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UNITED STATES DEPARTMENT OF AGRICULTURE
Rural Electrification Administration

1961 State Legislation Affecting the REA Programs
Highlights of State Legislative Developments - January 1961
First Interim Report - February 3, 1961

General. Legislatures of 42 States have convened in regular session. Five more are scheduled to come in at later dates this year. Three are not scheduled to convene until 1962. In many States, the early weeks of the session were devoted primarily to organization of the legislature. This report is preliminary and does not purport to be complete. Only those bills directly affecting the REA programs and which have been brought to our attention are included. Bills of collateral interest will be covered in future reports.

ELECTRIFICATION

32 Amendment of Cooperative Enabling Laws.

35 Missouri - S.B. 45, amends Rural Electric Cooperative Act to provide perpetual existence (in place of 50 years), and specifically authorize power resale, exchange and interchange arrangements.

North Dakota - S.B. 118, amends Electric Cooperative Corporation Act to give specific authorization for the formation of G & T cooperatives without limitation on service to non-members and permitting quorum requirements for G & T's to be provided in by-laws.

South Dakota - S.B. 180, amends Electric Cooperative Law to require majority vote of all members of a cooperative for the disposition of all or a substantial portion of its property.

See also amendments of electric cooperative enabling acts dealing with protection of cooperative territory, immediately below.

Protection of Cooperative Territory.

Colorado - S.B. 68, prohibits duplication of existing service or service to new locations within one mile of facilities of another supplier; authorizes continuance of service in areas annexed to municipalities; provides for issuance of certificates of convenience and necessity by Public Service Commission so as to minimize duplication of service; subjects cooperatives to PSC jurisdiction for the purpose of enforcement of the provisions of the bill.

Idaho - S.B. 25, amends 1957 anti-duplication law to include municipal utilities.

Missouri - S.B. 45, also (see above) amends Rural Electric Cooperative Act to authorize continued service in areas which lose their rural character by reason of increase in population, incorporation or annexation, and to prohibit duplication of electric service by any supplier with enforcement by the courts.

Oregon - S.B. 156, authorizes voluntary contractual allocation of service areas between distributors of electric energy, the sale and exchange of facilities within allocated areas, subject to Public Utility Commission approval but with enforcement of the contracts entrusted to the courts. (See also S.B. 42 below)

South Dakota - S.B. 178 and 179, amend Electric Cooperative Law to redefine "rural areas" and to protect cooperative service in areas annexed to municipalities.

Texas - S.B. 7 (H.B. 2), further amend Electric Cooperative Corporation Act, to remove the restrictions imposed by the 1957 amendments on electric service in cities and towns and areas annexed thereto.

Commission Regulation.

Minnesota - S.F. 113 (H.F. 242), provide for the regulation of electric and other utilities by the Warehouse and Railroad Commission (no jurisdiction is presently exercised over electric utilities); specifically exempts cooperatives furnishing electric service to members only.

Taxation.

Arizona - H.C. Res. 2, removes exemption of power districts.

New Mexico - S.B. 90, H.B. 52, and H.B. 82, remove exemption of electric cooperatives from school emergency tax.

Oregon - S.B. 87, amends ORS 308.805, taxation of electric cooperatives to provide that the 2% gross earnings tax shall not be in lieu of ad valorem tax on dams, powerhouses, and generating equipment.

Electrical Licensing and/or Inspection.

Idaho - H.B. 34, amends existing laws on subject and establishes State Electrical Board.

Maine - H.B. 525, creates Board of Electrical Safety Rules and Regulations.
H.B. 821, clarifies electrical licensing law.

North Dakota - H.B. 725, increases from 3 to 4 years experience requirement for journeyman electricians license.

South Dakota - H.B. 707, establishes State Electrical Board, regulates electrical installations, and provides for their inspection; also provides for licensing of electrical contractors and electricians, and

H.B. 708, repeals existing law relating to electrical standards, etc.

Washington - S.B. 101, provides that state electrical code shall not apply in county which has adopted ordinance regulating electrical installations.

S.B. 139, repeals laws relating to electrical construction rules and regulations.

Wyoming - H.B. 42 (failed), establishes a State Electrical Board, regulates electrical installations, and provides for licensing of electricians.

Power Supply and Electric Lines.

Alaska - S.B. 43, establishes Alaska Power Authority.

Atomic Energy - Radiation Regulation.

Bills for the regulation and control of radiation have been introduced in Arizona (S.B. 51); Idaho (S.B. 64); Missouri (S.B. 61, H.B. 183); New Hampshire (H.B. 4); Tennessee (S.B. 10, H.B. 24); and Texas (S.B. 68).

Broader bills regulating and coordinating activities relative to the peaceful use of atomic energy have been introduced in Indiana (S.B. 192); Minnesota (S.B. 34); Missouri (S.B. 62, H.B. 184); and Tennessee (S.B. 12, H.B. 28).

Miscellaneous.

Nevada - S.B. 53, authorizes Mineral County power system to negotiate loan contracts with REA

Ohio - H.B. 108, conveys property in Carrollton to Carroll Electric Cooperative.

South Dakota - H.B. 735, permits municipal corporations to join with other municipals for operation of electric distribution or generation facilities.

Tennessee - S.J.R. 20, declares collective bargaining agreements between cooperatives and municipally owned utilities and their employees not against public policy.

Washington - S.B. 142 (H.B. 179), authorize public utility districts and cities to jointly acquire and operate utility property.

H.B. 197, requires submission of Public Utility Districts proposal to condemn public utility property to a vote of the people.

ELECTRIFICATION AND TELEPHONE

Electric and Telephone Cooperative Enabling Legislation.

Iowa - H.F. 137 (S.F. 133), enact new cooperative association law.

Amendment of Cooperative Enabling Laws.

Iowa - H.F. 54 (S.F. 54), authorize payment of patronage dividend to deceased members.

H.F. 58 (S.F. 55), permit cooperative membership to be held by public and private corporations as well as by individuals.

North Dakota - H.B. 684, amends general cooperative law relating to use of cooperative funds for scholarship purposes.

H.B. 689, amends general cooperative law so as to specify purposes for which cooperative may be organized, includes telephone and electric transmission and distribution specifically.

H.B. 731, amends general cooperative law to require distribution and payment of the net proceeds in cash or tangible personal property and redemption of certificates of interest (capital credits) in cash or personal property on demand of holders.

H.B. 781, amends general cooperative law relative to apportionment and distribution of net proceeds of cooperatives to require payment in cash, tangible personal property or interest bearing stock or certificates of indebtedness.

Wyoming - H.B. 2 and H.B. 6, amend nonprofit corporation law relating to incorporation procedures, amendment of articles of incorporation, admission or domestication of foreign nonprofit corporations, etc.

Commission Regulation.

New Mexico - S.B. 32, replaces Public Service Commission with State Corporation Commission, extends jurisdiction of State Corporation Commission over all utilities, and exempts electric and telephone cooperatives.

H.B. 81, extends jurisdiction of State Corporation Commission over all public utilities but specifically exempts electric cooperatives.

S.B. 80, defines duties of State Corporation Commission over public utilities.

S.J.R. 7, constitutional amendment creating State Corporation Commission; providing for appointment of five member commission, and giving legislature authority to enact laws regulating public utilities.

S.J.R. 12, constitutional amendment providing for creation of a three member elected State Corporation Commission.

H.J.R. 2, constitutional amendment giving State Corporation Commission jurisdiction over public utilities.

Oregon - S.B. 42, requires application for, and issuance of, by the Public Utility Commissioner, certificates of convenience and necessity defining utility service areas to all utilities including electric and telephone but excluding toll lines and "farmer lines"; prohibits utilities from extending service outside of its area without a certificate; authorizes sale or exchange of utility property where duplication of service exists with the approval of the commissioner; prohibits duplication of facilities and services with enforcement entrusted to the commissioner.

Utility Relocation Reimbursement.

Indiana - H.B. 261, provides for reimbursement of utility by state for costs of relocating facilities occasioned by Federal-aid highway construction.

Ohio - H.B. 87, requires utilities to remove or relocate facilities obstructing use or construction of highways within 90 days.

Unclaimed Property Act.

Bills providing for the enactment of the uniform disposition of unclaimed property act have been introduced in five states: Colorado (H.B. 103); Idaho (H.B. 16); Nebraska (L.B. 160); North Dakota (H.B. 857); and Oklahoma (S.B. 79).

Uniform Commercial Code.

Bills providing for the adoption of the uniform commercial code have been introduced in ten states: Arkansas (S.B. 123); Missouri (S.B. 1); Montana (H.B. 210); New Mexico (H.B. 50); North Dakota (H.B. 747); Ohio (S.B. 5); Oklahoma (S.B. 36); Oregon (H.B. 1020); Washington (S.B. 72); and Wyoming (H.B. 12).

Committees to study and consider adoption of the code would be created in two states: Minnesota (S.B. 342), and South Carolina (H.B. 1119).

Taxation.

Arkansas - H.B. 221, expands the exemption from use tax to include electric and communication companies among others.

Kansas - S.C. Res. 1, proposes amendment to constitution to provide for uniform classification of utility property for purposes of assessment and taxation.

Miscellaneous.

New Mexico - H.B. 13, requires utilities furnishing service in New Mexico to maintain at least one billing office within the state.

TELEPHONE

Amendment of Cooperative Enabling Legislation.

South Dakota - S.B. 25, amends Sec. 11.1102, cooperative association law, relating to the notice to stockholders required for amendment of articles of incorporation for the purpose of increasing capital stock.

Commission Regulation.

Indiana - H.B. 195, provides that in proceedings relating to granting certificates of territorial authority hearings shall be held to determine interest of persons to be served and provide that after approval by Public Service Commission a resident in certificated area of one telephone company may be served by company in an adjoining territory upon his payment of costs of construction of necessary lines.

Nebraska - L.B. 310, amends Sec. 86-213, Nebr. Stats., to provide an additional alternative standard for granting certificate of convenience and necessity.

Oklahoma - H.B. 620, deletes requirement that Corporation Commission before ordering telephone company to extend service in rural area find that it is earning a fair return.

Texas - H.B. 50, provides for regulation of intrastate operations of telephone utilities by Railroad Commission.

Taxation.

Idaho - H.B. 120, limits exemption of cooperative telephone companies from ad valorem taxation to companies having 25 or less subscribers and an investment of less than \$5,000.

North Dakota - S.B. 103 (indefinitely postponed in Senate), would have amended provision relating to taxation of mutual or telephone cooperatives by increasing rate of tax on each instrument from 50¢ to \$1.00 and providing that tax exemption not apply to company buildings, real estate, and property not normally considered part of telephone plant.

H.B. 586 (failed in House), repealed provisions relating to taxation of mutual or cooperative telephone companies.

H.B. 889, enacts provisions relating to taxation of telephone companies and repeals existing law regarding taxation of mutual or cooperative telephone companies.

Tennessee - S.B. 136 (H.B. 219), exempt nonprofit telephone cooperatives from payment of privilege tax.

Party Line Telephones.

Bills providing penalties for failure to relinquish party line telephones in cases of emergencies were introduced in three states: Colorado (S.B. 38 and S.B. 51); Maine (H.B. 700); and Montana (S.B. 17).

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UNITED STATES DEPARTMENT OF AGRICULTURE
Rural Electrification Administration

1961 State Legislation Affecting the REA Programs
Highlights of State Legislative Developments - February 1961
Second Interim Report - March 1, 1961

General. Legislatures of 44 States have now convened in regular session. Three more are scheduled to come in at later dates this year. Three are not scheduled to convene until 1962. This report supersedes the First Interim Report of February 3, 1961. It lists status of bills included in the earlier report, and adds bills which have since been introduced.

ELECTRIFICATION

Amendment of Cooperative Enabling Laws.

Arkansas - H.B. 503, requires electric cooperatives holding PSC certificates to extend lines and furnish service in any area where 2 or more prospective members per mile desire to become members. *Withdrawn 3/18/61*

H.B. 524, amends Electric Cooperative Corporation Act to require election of directors at annual meetings, permit 10 or more members to call special meeting for election of directors if annual meeting is not held, disqualify from election or appointment as directors persons serving as directors during period when annual meeting is not called, and requiring filing of bylaws and amendments with Secretary of State. *Withdrawn 3/18/61*

Missouri - S.B. 45, amends Rural Electric Cooperative Act to provide perpetual existence (in place of 50 years), and specifically authorize power resale, exchange and interchange arrangements.

Nebraska - L.B. 444, amends Public Power and Irrigation District Act, to provide exception to complete prohibition on transfer of power district property to private enterprises by permitting same to electric cooperatives and nonprofit corporations subject to condition that it may be resold only to power district, cooperative or nonprofit corporation.

L.B. 578, amends Public Power and Irrigation District Act, to prohibit sale of household appliances at retail.

L.B. 606, amends Public Power and Irrigation District Act, to provide for the establishment of wholesale power districts, prohibited to make retail sales.

L.B. 613, amends Public Power and Irrigation District Act, to require districts operating in more than 50 counties to amend their petitions for creation to conform their boundaries, number and election of directors as provided by law.

New Mexico - H.B. 170, provides that trustees of electric cooperatives be elected at large. *Discontinued*

North Dakota - S.B. 118 (passed both Houses), amends Electric Cooperative Corporation Act to give specific authorization for the formation of G & T cooperatives without limitation on service to non-members and permitting quorum requirements for G & T's to be provided in by-laws. *Approved*

South Dakota - S.B. 180 (passed with amendment), amends Electric Cooperative Law to require majority vote of all members of a cooperative for the disposition of all or a substantial portion of its property.

See also amendments of electric cooperative enabling acts dealing with protection of cooperative territory, immediately below.

Protection of Cooperative Territory.

*passed
with
amendment*
Colorado - S.B. 68, prohibits duplication of existing service or service to new locations within one mile of facilities of another supplier; authorizes continuance of service in areas annexed to municipalities; provides for issuance of certificates of convenience and necessity by Public Service Commission so as to minimize duplication of service; subjects cooperatives to PSC jurisdiction for the purpose of enforcement of the provisions of the bill.

*passed
with
H. man*
H.B. 245, declares electric cooperatives to be public utilities; directs PUC to issue certificates of convenience and necessity and to assign specific territories where duplication exists; and prohibits future duplication except on proof of public convenience and necessity.

Idaho - S.B. 25 (passed Senate 1/23; amended in House), amends 1957 anti-duplication law to include municipal utilities. *Tabled in House 3/1/61*

S.B. 216, amends 1957 anti-duplication act, to define more exactly the limitations on extensions. *Decl. in Senate*

Michigan - H.B. 104, prescribes procedures for prevention of duplication of utility service.

Missouri - S.B. 45, also (see above) amends Rural Electric Cooperative Act to authorize continued service in areas which lose their rural character by reason of increase in population, incorporation or annexation, and to prohibit duplication of electric service by any supplier with enforcement by the courts.

Nebraska - L.B. 605, amends Public Power and Irrigation District Act, to provide for the elimination of overlapping, duplication and conflict between districts by giving districts which derive more than 50% of their revenues from retail sales the right to acquire or condemn electrical facilities located in their districts except those of cities, villages and cooperatives.

Passed S. 5/11
New Mexico - H.B. 256 (passed House 2/16), brings electric cooperatives under PSC jurisdiction (see "Commission Regulation" below); declares policy against unnecessary duplication; provides for certificates of convenience and necessity for electric cooperatives.

Oklahoma - S.B. 161 (H.B. 770), prohibits duplication of existing electric service and extensions to unserved premises located within 500 feet of distribution line of another supplier, except upon court order based on inadequacy of service; provides for court enforcement.

S.B. 162 (H.B. 769), amends Rural Electric Cooperative Act to redefine "rural area" and protect cooperative service in areas annexed to municipalities.

Oregon - S.B. 156, authorizes voluntary contractual allocation of service areas between distributors of electric energy, the sale and exchange of facilities within allocated areas, subject to Public Utility Commission approval but with enforcement of the contracts entrusted to the courts. (See also S.B. 42 below under "ELECTRIFICATION AND TELEPHONE - Commission Regulation".)

South Dakota - S.B. 178 and 179 (both failed), amend Electric Cooperative Law to redefine "rural areas" and to protect cooperative service in areas annexed to municipalities.

Texas - S.B. 7 (H.B. 2), ^{Failed on House} further amend Electric Cooperative Corporation Act, to remove the restrictions imposed by the 1957 amendments on electric service in cities and towns and areas annexed thereto.

Utah - S.B. 147, prohibits duplication of existing electric service and extensions to unserved premises within one mile of line of another supplier; protects electric service and facilities in areas annexed to municipalities; provides for court enforcement.

Wisconsin - A.B. 384

Died in Senate

Commission Regulation.

Alaska - S.B. 107, new Public Service Commission law.

and House } Colorado - H.B. 245 (see "Protection of Cooperative Territory" above).

Illinois - H.B. 362, amends Public Utilities Act to except rural electric cooperatives from its operation.

Kansas - H.B. 124, amends Public Utilities Act, to require municipal utilities to obtain certificate from Corporation Commission prior to extending lines and serving outside municipal limits.

Killed on House

Minnesota - S.F. 113 (H.F. 242), provide for the regulation of electric and other utilities by the Warehouse and Railroad Commission (no jurisdiction is presently exercised over electric utilities), specifically exempts cooperatives furnishing electric service to members only.

Nebraska - L.B. 469, limits construction of primary service connection lines over 700 volts..

L.B. 599, limits customer's primary service connection lines over 700 volts to those entirely on customer's premises, except for highway crossing, and permits line extensions without prior Railway Commission approval if owners of all other lines within $\frac{1}{4}$ mile consent and subject to filing of delayed application.

L.B. 494, creates Department of Public Power and transferring to it functions of the State Railway Commission and Department of Water Resources.

Passed House
New Mexico - H.B. 256 (passed House 2/16), brings electric cooperatives under Public Utility Act; subjects them to PSC jurisdiction except as to issuance of obligations to the United States and as to certain rates; requires PSC to grant certificates of convenience and necessity on present plant, lines and system; and authorizes dual, overlapping certificates.

Taxation.

Failed
Arizona - H.C. Res. 2 and S.C. Res. 9, remove exemption of power districts.

Idaho - H.B. 168 (passed both Houses), amends the 1959 law imposing $3\frac{1}{2}\%$ gross receipts on electric cooperatives in lieu of all other taxes on operating property so as to define specifically property used for generating electric energy as non-operating property which remains subject to tax, and provides formula for allocation of gross receipts tax payments among the counties.

H.B. 169, repeals 1959 law imposing $3\frac{1}{2}\%$ gross receipts tax.

H.B. 216 (killed in House 2/24), provides for assessment of electric transmission and generating facilities of all electric utilities, including electric cooperatives, by State Tax Commission.

-Tried
New Mexico - S.B. 90, H.B. 52, and H.B. 88, remove exemption of electric cooperatives from school emergency tax.

H.B. 140, subjects sales of electricity by electric cooperatives and municipal utilities to 2% gross privilege tax.

N. Car. H.B. 370
Pending
Oregon - S.B. 87, amends ORS 308.805, taxation of electric cooperatives to provide that the 2% gross earnings tax shall not be in lieu of ad valorem tax on dams, powerhouses, and generating equipment.

South Dakota - H.B. 922 (killed), would have provided additional taxation on rural electric cooperatives.

Electrical Licensing and/or Inspection.

✓ Colorado - H.B. 199, amends the 1959 electrical licensing law, establishes new categories of limited master electrician and journeyman electrician; prescribes representation of electric utilities, and municipal and cooperative utilities on State Electrical Board, and provides for electrical inspection.

✓ Idaho - H.B. 34 (passed House 2/7), amends existing laws on subject and establishes State Electrical Board.

✓ Maine - H.B. 525, creates Board of Electrical Safety Rules and Regulations.
H.B. 821, clarifies electrical licensing law.

Michigan - H.B. 96, expands Electrical Administrative Board to include representative of distributors of electrical apparatus and supplies.

Nebraska - L.B. 483, requires regulation of electrical contractors as condition to electrical installations; provides exceptions.

New Hampshire

North Dakota - H.B. 725 (killed in House), increases from 3 to 4 years experience requirement for journeyman electricians license.

Ohio - S.B. 318, provides for licensing of inspectors of electrical installations.

Oregon - S.B. 398, amends standards for issuing general and limited journeyman electrician's licenses.

South Dakota - H.B. 707 (passed House 2/2), establishes State Electrical Board, regulates electrical installations, and provides for their inspection; also provides for licensing of electrical contractors and electricians, and

H.B. 708, repeals existing law relating to electrical standards, etc.

Washington - S.B. 101, provides that state electrical code shall not apply in county which has adopted ordinance regulating electrical installations. *Die*

S.B. 139, repeals laws relating to electrical construction rules and regulations. *Die*

S.B. 477, transfers regulation to Insurance Commissioner and amends laws dealing with regulation of electricians and electrical installations. *Die*

Wyoming - H.B. 42 (failed), establishes a State Electrical Board, regulates electrical installations, and provides for licensing of electricians.

Power Supply and Electric Lines.

Alaska - S.B. 43, establishes Alaska Power Authority.

H.J.R.G.
Idaho - S.B. 105 (passed both Houses), ratifies Columbia River Interstate Compact relating to the division, apportionment and use of waters in Columbia River System.

S.J. Mem. 14 (adopted), memorializes Congress to expedite legislation authorizing construction of Brucers Eddy dam project, Clearwater River.

Approved 2/21
Montana - S.B. 83 (~~passed both Houses~~), ratifies Columbia River Interstate Compact.

S.J.M. 2, urges Congress to provide funds for Bonneville-Reclamation intertie.

H.J.M. 7, urges construction of Libby Dam.

H.J.M. 10, urges development of Yellowtail power by taxpaying enterprise.

H.J.M. 12 (passed House), requests FPC to approve construction of Buffalo Rapids project by taxpaying enterprise.

Utah - S.B. 90 (passed Senate 2/16), ratifies Columbia River Interstate Compact.

H.J. Res. 16 (unfavorably reported 2/22), urges Congress to expedite construction of power transmission facilities on Colorado River projects.

7.2
Washington - S.B. 180 (H.B. 209), ratifies Columbia River Interstate Compact.

Approved
Wyoming - S.B. 134 (~~passed both Houses~~), ratifies Columbia River Interstate Compact.

Atomic Energy - Radiation Regulation.

Bills for the regulation and control of radiation are pending in Arizona (S.B. 51 and H.B. 91); Idaho (S.B. 64, passed Senate 2/14); Indiana (S.B. 192); Missouri (S.B. 61 and H.B. 183); Nebraska (L.B. 478); New Hampshire (H.B. 4, passed House); Oregon (H.B. 1490); Tennessee (S.B. 10, and H.B. 24, enacted); Texas (S.B. 68, passed Senate 2/8, and H.B. 296); and Utah (H.B. 196).

Broader bills regulating and coordinating activities relative to the peaceful use of atomic energy have been introduced in Minnesota (S.F. 34 and H.F. 450); Missouri (S.B. 62 and H.B. 184); Nevada (A.B. 317); Tennessee (S.B. 12, and H.B. 28, enacted); Utah (H.B. 185); and Washington (S.B. 427).

Bills to enact the Southern Interstate Nuclear Compact were introduced in Arkansas (H.B. 461, passed House); Tennessee (S.B. 239, and H.B. 299, enacted); and Texas (S.B. 189, passed Senate 2/15).

Miscellaneous.

Montana - H.B. 395 (passed House), limits transfer of electrical facilities to companies subject to Montana PSC jurisdiction, under penalty of escheat.

Approved 2/17/61 Chap 12
Nevada - S.B. 53 (~~passed both Houses~~), authorizes Mineral County power system to negotiate loan contracts with REA.

Ohio - H.B. 108, conveys property in Carrollton to Carroll Electric Cooperative.

South Dakota - H.B. 735, permits municipal corporations to join with other municipalities for operation of electric distribution or generation facilities.

Tennessee - S.J.R. 20 (passed Senate 2/3), declares collective bargaining agreements between cooperatives and municipally owned utilities and their employees not against public policy.

- Died in House Committee
Washington - S.B. 142 (H.B. 179), authorize public utility districts and cities to jointly acquire and operate utility property.

H.B. 197, requires submission of Public Utility Districts proposal to condemn public utility property to a vote of the people.

ELECTRIFICATION AND TELEPHONE

Electric and Telephone Cooperative Enabling Legislation.

- Died in House Committee
Iowa - H.F. 137 (S.F. 133), enact new cooperative association law.

Bill in House
Utah - S.B. 166 (passed Senate with amendments 2/21), enacts new nonprofit corporation law.

Amendment of Cooperative Enabling Laws.

Iowa - H.F. 54 (S.F. 54, passed both Houses), authorize payment of patronage dividend to deceased members.

H.F. 58 (passed House), (S.F. 55), permit cooperative membership to be held by public and private corporations as well as by individuals.

Minnesota - S.F. 449 (H.F. 566), amend Cooperative Associations Act relative to diminution of capital, retention of capital credits for reserve fund, and dissolution.

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Montana - H.B. 368 (passed House 2/14), amends Rural Electric and Telephone Cooperative Act to require electric and telephone cooperatives to file rates with PSC (see below).

V. 16
North Dakota - H.B. 684 (~~passed House 2/16~~), amends general cooperative law relating to use of cooperative funds for scholarship purposes.

H.B. 689 (killed in House), amends general cooperative law so as to specify purposes for which cooperative may be organized, includes telephone and electric transmission and distribution specifically.

H.B. 731 (killed in House), amends general cooperative law to require distribution and payment of the net proceeds in cash or tangible personal property and redemption of certificates of interest (capital credits) in cash or personal property on demand of holders.

H.B. 781 (killed in House 2/16), amends general cooperative law relative to apportionment and distribution of net proceeds of cooperatives to require payment in cash, tangible personal property or interest bearing stock or certificates of indebtedness.

Wyoming - H.B. 2 and H.B. 6 (both enacted), amend nonprofit corporation law relating to incorporation procedures, amendment of articles of incorporation, admission or domestication of foreign nonprofit corporations, etc.

Commission Regulation.

Iowa - S.F. 275, enlarges jurisdiction of State Commerce Commission to include regulation of rates and services of public utilities furnishing gas, electricity or communications service to the public for compensation; exempts from rate regulation municipal utilities, cooperative corporations or associations, and mutual telephone companies in which 50% of the users are owners.

Montana - H.B. 368 (passed House 2/14), amends Rural Electric and Telephone Cooperative Act to require electric and telephone cooperatives to file rates with PSC (see above).

To add in Senate
New Mexico - S.B. 32 (Sub. H.B. 206, passed House 2/23), replaces Public Service Commission with State Corporation Commission, extends jurisdiction of State Corporation Commission over all utilities, and exempts electric and telephone cooperatives. *W. Hall in House*

H.B. 81, extends jurisdiction of State Corporation Commission over all public utilities but specifically exempts electric cooperatives.

S.B. 80, defines duties of State Corporation Commission over public utilities. *Tabled in Senate*

Approved S.J.R. 7 (H.J.R. 9, passed House 2/23), constitutional amendment creating State Corporation Commission; providing for appointment of five member commission, and giving legislature authority to enact laws regulating public utilities. *Tabled in Senate*

S.J.R. 12, constitutional amendment providing for creation of a three member elected State Corporation Commission.

H.J.R. 2, constitutional amendment giving State Corporation Commission jurisdiction over public utilities.

Oregon - S.B. 42, requires application for, and issuance of, by the Public Utility Commissioner, certificates of convenience and necessity defining utility service areas to all utilities including electric and telephone but excluding toll lines and "farmer lines"; prohibits utilities from extending service outside of its area without a certificate; authorizes sale or exchange of utility property where duplication of service exists with the approval of the commissioner; prohibits duplication of facilities and services with enforcement entrusted to the commissioner.

South Dakota - S.B. 281 (failed), would have extended PUC jurisdiction to include electric as well as telephone utilities, and specifically cooperatives for rate regulation.

7.2 Washington - H.B. 642, subjects utilities formed under the Non-Profit Corporation Act to PSC regulation.

Utility Relocation Reimbursement.

Alaska

Georgia - H.B. 110, authorizes State Highway Department to relocate publicly-owned utility facilities affected by limited-access highway construction.

deal in Senate
Idaho - H.B. 178, deletes statutory provisions permitting Highway Board to reimburse utilities for relocation in connection with Federal-aid highways which have been held unconstitutional by Idaho Supreme Court.

Approved 3/4/61
Indiana - H.B. 261, provides for reimbursement of utility by state for costs of relocating facilities occasioned by Federal-aid highway construction.

Montana - S.B. 199, reduces from 75% to 50% the share of utility relocation costs payable by state.

H.B. 409 (killed in House 2/8), would have limited state payments for utility relocation to cases where utility has clear title to its right-of-way.

Ohio - H.B. 87, requires utilities to remove or relocate facilities obstructing use or construction of highways within 90 days.

Unclaimed Property Act.

Bills providing for the enactment of the uniform disposition of unclaimed property act: Colorado (H.B. 103); Idaho (H.B. 16, passed both Houses); Iowa (S.F. 272 and H.F. 401); Missouri (H.B. 42); Nebraska (L.B. 160); Oklahoma (S.B. 79); South Dakota (H.B. 872); Texas (H.B. 182); and West Virginia (H.B. 187).

North Dakota - H.B. 857 (passed House 2/17), general escheat law.

Texas - H.B. 470, amends escheat law.

Uniform Commercial Code.

Bills providing for the adoption of the uniform commercial code: Alaska (H.B. 120); Arkansas (S.B. 123, passed both Houses); Mississippi (S.B. 1); Montana (H.B. 210); New Mexico (H.B. 50, passed House 2/8); North Dakota (H.B. 747, passed House); Ohio (S.B. 5); Oklahoma (S.B. 36); Oregon (H.B. 1020); Washington (S.B. 72); and Wyoming (H.B. 12, passed both Houses).

Committees to study and consider adoption of the code would be created in two states: Minnesota (S.F. 342 and H.F. 637), and South Carolina (H.B. 1119).

Taxation.

Arkansas - H.B. 221, expands the exemption from use tax to include electric and communication companies among others; approved 2/22, Act 140.

Kansas - S.C. Res. 1 (H.C. Res. 19) propose amendment to constitution to provide for uniform classification of utility property for purposes of assessment and taxation.

North Dakota - S.B. 120 (killed in Senate 2/18), imposes additional 3% tax on income, includes electric and telephone cooperatives, and provides certain credits.

S.B. 217 (passed Senate with amendment 2/18), imposes additional $1\frac{1}{2}\%$ tax on income, with certain credits for electric and telephone cooperatives.

Miscellaneous.

New Mexico - H.B. 13, requires utilities furnishing service in New Mexico to maintain at least one billing office within the state.

TELEPHONE

Amendment of Cooperative Enabling Legislation.

Oklahoma - S.B. 139, amends Rural Telephone Cooperative Act, to provide for three instead of two classes of directors in fixing terms of office.

South Dakota - S.B. 25 (passed both Houses), amends Sec. 11.1102, cooperative association law, relating to the notice to stockholders required for amendment of articles of incorporation for the purpose of increasing capital stock.

H.B. 887, amends Sec. 11.1101 relating to the scope of cooperative activity.

Tennessee - S.B. 527 (H.B. 654), amends General Welfare and Not for Profit Corporations Act (Sec. 48-1101 et seq.) relative to dissolution and distribution of assets.

Approved 2/21/61 c6834
Washington - H.B. 156, amends Cooperative Association Act, to provide for perpetual duration (in place of 50 years).

Commission Regulation.

Arkansas - H.B. 277, directs PSC to prohibit more than six on party line and refusal to serve anyone within 2 miles of existing lines.

H.B. 513, authorizes PSC to prescribe reasonable rules for extensions of facilities to new subscribers, and to limit number of subscribers on party lines.

Discontinued from record
Indiana - H.B. 195, provides that in proceedings relating to granting certificates of territorial authority hearings shall be held to determine interest of persons to be served and provide that after approval by Public Service Commission a resident in certificated area of one telephone company may be served by company in an adjoining territory upon his payment of costs of construction of necessary lines.

S.B. 454 (failed in Senate 2/24), would have added a new section to the Public Service Commission Law, prescribing procedures whereby inadequate existing telephone service may be remedied by providing for service from another company or the merger of the companies involved.

Missouri - H.B. 273, requires telephone companies to render service by new lines in areas adjacent to places being served under rate schedules on file with PSC; provides for revocation of certificates and for enforcement by injunction.

Nebraska - L.B. 310, amends Sec. 86-213, Nebr. Stats., to provide an additional alternative standard for granting certificate of convenience and necessity, viz. that no duplication of facilities will result.

L.B. 507, gives Railway Commission jurisdiction over intra-state rates; prescribes basis for determining such rates and for division of revenues.

L.B. 545, amends Sec. 86-213, Nebr. Stats., to permit person residing near dividing line between two companies to elect which company will serve him without Railway Commission approval.

Oklahoma - H.B. 620, deletes requirement that Corporation Commission before ordering telephone company to extend service in rural area find that it is earning a fair return.

Texas - H.B. 50, provides for regulation of intrastate operations of telephone utilities by Railroad Commission.

Taxation.

Idaho - H.B. 120 (passed House with amendment), limits exemption of co-operative telephone companies from ad valorem taxation to companies having 25 or less subscribers.

North Dakota - S.B. 103 (indefinitely postponed in Senate), would have amended provision relating to taxation of mutual or telephone cooperatives by increasing rate of tax on each instrument from 50¢ to \$1.00 and providing that tax exemption not apply to company buildings, real estate, and property not normally considered part of telephone plant.

H.B. 586 (failed in House), repealed provisions relating to taxation of mutual or cooperative telephone companies.

H.B. 889 (killed in House 2/10), enacts provisions relating to taxation of telephone companies and repeals existing law regarding taxation of mutual or cooperative telephone companies.

Tennessee - S.B. 136 (enacted), (H.B. 219), exempt nonprofit telephone cooperatives from payment of privilege tax.

Utah - H.B. 145 (unfavorably reported 2/15), strikes cooperative exemption from income taxes.

Party Line Telephones.

Bills providing penalties for failure to relinquish party line telephones in cases of emergencies were introduced in three states: Colorado (S.B. 38 and S.B. 51); Maine (H.B. 700); and Montana (S.B. 17).

Prepared by:

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Shaw - W. L. J. W. 65

UNITED STATES DEPARTMENT OF AGRICULTURE
Rural Electrification Administration

1961 State Legislation Affecting the REA Programs
Highlights of State Legislative Developments - Through March 1961
Third Interim Report - April 5, 1961

General. Of the 45 state legislatures which have convened in regular session so far this year, 18 have adjourned. Two more are scheduled to convene in May. Three will not convene until 1962. This report shows the status of bills included in earlier reports and adds bills newly introduced.

ELECTRIFICATION

Amendment of Cooperative Enabling Laws.

Enacted: *

New Mexico - Com. Sub. H.B. 408 (passed both Houses), outlines procedure for call and conduct of meetings of rural electric co-operatives. *a passed by Governor - chap. 210*

North Dakota - S.B. 118 (approved by Governor), amends Electric Cooperative Corporation Act to give specific authorization for the formation of G & T cooperatives without limitation on service to non-members and permitting quorum requirements for G & T's to be provided in by-laws.

South Dakota - S.B. 180 (approved by Governor), amends Electric Cooperative Law to require majority vote of all members of a co-operative for the disposition of all or a substantial portion of its property.

Failed:

Arkansas - H.B. 503, requires electric cooperatives holding PSC certificates to extend lines and furnish service in any area where 2 or more prospective members per mile desire to become members.

H.B. 524, amends Electric Cooperative Corporation Act to require election of directors at annual meetings, permit 10 or more members to call special meetings for election of directors if annual meeting is not held, disqualify from election or appointment as directors persons serving as directors during period when annual meeting is not called, and requiring filing of bylaws and amendments with Secretary of State.

New Mexico - H.B. 170, provides that trustees of electric cooperatives be elected at large.

* Throughout this report includes bills which have passed both Houses but as to which approval by the Governor has not been determined.

Pending:

Missouri - S.B. 45, amends Rural Electric Cooperative Act to provide perpetual existence (in place of 50 years), and specifically authorize power resale, exchange and interchange arrangements.

Nebraska - L.B. 444, amends Public Power and Irrigation District Act, to provide exception to complete prohibition on transfer of power district property to private enterprises by permitting same to electric cooperatives and nonprofit corporations subject to condition that it may be resold only to power district, cooperative or nonprofit corporation.

L.B. 578, amends Public Power and Irrigation District Act, to prohibit sale of household appliances at retail.

L.B. 606, amends Public Power and Irrigation District Act, to provide for the establishment of wholesale power districts, prohibited to make retail sales.

L.B. 613, amends Public Power and Irrigation District Act, to require districts operating in more than 50 counties to amend their petitions for creation to conform their boundaries, number and election of directors as provided by law.

See also amendments of electric cooperative enabling acts dealing with protection of cooperative territory, immediately below.

Protection of Cooperative Territory.

Enacted:

approved by Governor
Colorado - H.B. 245 (~~passed both Houses~~), declares electric cooperatives to be public utilities; and prohibits future duplication except on proof of public convenience and necessity.

- chap. 89
New Mexico - H.B. 256 (approved by Governor) brings electric cooperatives under PSC jurisdiction (see "Commission Regulation" below); declares policy against unnecessary duplication; provides for certificates of convenience and necessity for electric cooperatives.

Failed:

Colorado - S.B. 68, prohibits duplication of existing service or service to new locations within one mile of facilities of another supplier; authorizes continuance of service in areas annexed to municipalities; provides for issuance of certificates of convenience and necessity by Public Service Commission so as to minimize duplication of service; subjects cooperatives to PSC jurisdiction for the purpose of enforcement of the provisions of the bill.

Idaho - S.B. 25 (passed Senate 1/23; tabled in House), amends 1957 anti-duplication law to include municipal utilities.

S.B. 216, amends 1957 anti-duplication act, to define more exactly the limitations on extensions.

Oregon - S.B. 156, authorizes voluntary contractual allocation of service areas between distributors of electric energy, the sale and exchange of facilities within allocated areas, subject to Public Utility Commission approval but with enforcement of the contracts entrusted to the courts. (See also S.B. 42 below under "ELECTRIFICATION AND TELEPHONE - Commission Regulation".)

South Dakota - S.B. 178 and 179, amend Electric Cooperative Law to redefine "rural areas" and to protect cooperative service in areas annexed to municipalities.

Texas - S.B. 7 (H.B. 2), further amend Electric Cooperative Corporation Act, to remove the restrictions imposed by the 1957 amendments on electric service in cities and towns and areas annexed thereto.

Utah - S.B. 147, prohibits duplication of existing electric service and extensions to unserved premises within one mile of line of another supplier; protects electric service and facilities in areas annexed to municipalities; provides for court enforcement.

Pending:

(passed both Houses in conference)
Alaska - S.B. 107, new Public Service Commission law, has anti-duplication section (see below "ELECTRIFICATION AND TELEPHONE - Commission Regulation").

Michigan - H.B. 104, prescribes procedures for prevention of duplication of utility service.

Missouri - S.B. 45, also (see above) amends Rural Electric Cooperative Act to authorize continued service in areas which lose their rural character by reason of increase in population, incorporation or annexation, and to prohibit duplication of electric service by any supplier with enforcement by the courts.

Nebraska - L.B. 605, amends Public Power and Irrigation District Act, to provide for the elimination of overlapping, duplication and conflict between districts by giving districts which derive more than 50% of their revenues from retail sales the right to acquire or condemn electrical facilities located in their districts except those of cities, villages and cooperatives.

North Carolina - S.B. 345
Oklahoma - S.B. 161 (H.B. 770), prohibits duplication of existing electric service and extensions to unserved premises located within 500 feet of distribution line of another supplier, except upon court order based on inadequacy of service; provides for court enforcement.

S.B. 162 (H.B. 769), amends Rural Electric Cooperative Act to redefine "rural area" and protect cooperative service in areas annexed to municipalities.

Oregon - see S.B. 487, below under "ELECTRIFICATION AND TELEPHONE - Commission Regulation".

Pennsylvania - H.B. 1432 and S.B. 655

Wisconsin - A. 384, amends 1955 anti-duplication law to permit extension of cooperative facilities in areas annexed to cities and villages after January 1, 1961, which an electric cooperative was then serving.

Commission Regulation.

Enacted:

Colorado - H.B. 245 (see "Protection of Cooperative Territory" above).

approved by Governor, Chap 89
New Mexico - H.B. 256 (passed both Houses), brings electric co-operatives under Public Utility Act; subjects them to PSC jurisdiction except as to issuance of obligations to the United States and as to certain rates; requires PSC to grant certificates of convenience and necessity on present plant, lines and system; and authorizes dual, overlapping certificates. (see also "Protection of Cooperative Territory" above)

- Chap 88
Wyoming - H.B. 26 (approved by Governor), amends public utility law to provide that extra territorial operations of municipal utilities be covered.

Failed:

Kansas - H.B. 124, amends Public Utilities Act, to require municipal utilities to obtain certificate from Corporation Commission prior to extending lines and serving outside municipal limits.

New Mexico - H.B. 460 and 461, subject operations of municipal utilities outside of corporate limits to jurisdiction of Public Service Commission.

Pending:

Illinois - H.B. 362, amends Public Utilities Act to except rural electric cooperatives from its operation.

Failed
Kansas - H.C. Res. 28 (passed House) directs Legislative Council to study placing municipal utility facilities outside of corporate limits under jurisdiction of the State Corporation Commission. *Killed in Senate*

Minnesota - S.F. 113 (H.F. 242), provide for the regulation of electric and other utilities by the Warehouse and Railroad Commission (no jurisdiction is presently exercised over electric utilities), specifically exempts cooperatives furnishing electric service to members only.

Nebraska - L.B. 469, limits construction of primary service connection lines over 700 volts.

L.B. 599, limits customer's primary service connection lines over 700 volts to those entirely on customer's premises, except for highway crossing, and permits line extensions without prior Railway Commission approval if owners of all other lines within $\frac{1}{4}$ mile consent and subject to filing of delayed application.

L.B. 494, creates Department of Public Power and transferring to it functions of the State Railway Commission and Department of Water Resources.

Taxation.

Enacted:

approved by Governor, Chap. 301
Idaho - H.B. 168 (~~passed both Houses~~), amends the 1959 law imposing $3\frac{1}{2}\%$ gross receipts tax on electric cooperatives in lieu of all other taxes on operating property so as to define specifically property used for generating electric energy as non-operating property which remains subject to tax, and provides formula for allocation of gross receipts tax payments among the counties.

approved by Governor, Chap. 236
New Mexico - Sub. H.B. 52 (~~passed both Houses~~), imposes 2% sales tax upon electric cooperatives.

approved by Governor, Chap. 189
Sub. H.B. 140 (~~passed both Houses~~), subjects sales of electricity by municipal utilities to 2% gross privilege tax.

Failed:

Arizona - H.C. Res. 2 and 11, and S.C. Res. 9, remove exemption of power and electrical districts.

Idaho - H.B. 169, repeals 1959 law imposing $3\frac{1}{2}\%$ gross receipts tax.

H.B. 216, provides for assessment of electric transmission and generating facilities of all electric utilities, including electric cooperatives, by State Tax Commission.

South Dakota - H.B. 922, provides additional taxation on rural electric cooperatives.

Washington - H.B. 609, imposes a 3% tax on consumption of electricity and other fuels.

Pending:

Maine - H.B. 943 and H.B. 1035, exempt electricity from sales tax.

North Carolina - H.B. 370, makes electric membership corporations and municipal corporations subject to franchise tax.

Oregon - S.B. 87, amends ORS 308.805, taxation of electric cooperatives to provide that the 2% gross earnings tax shall not be in lieu of ad valorem tax on dams, powerhouses, and generating equipment.

Texas - H.B. 936, levies an excise tax on intrastate sales of electricity, including sales by cooperatives.

Electrical Licensing and/or Inspection.

Enacted:

Idaho - H.B. 34 (^{approved by Governor, Chap. 311} ~~passed both Houses~~), amends existing laws on subject and establishes State Electrical Board.

Failed:

Colorado - H.B. 199, amends the 1959 electrical licensing law, establishes new categories of limited master electrician and journeyman electrician; prescribes representation of electric utilities, and municipal and cooperative utilities on State Electrical Board, and provides for electrical inspection.

Nebraska - L.B. 483, requires regulation of electrical contractors as condition to electrical installations; provides exceptions.

New York - A.B. 4791, authorizes county supervision and regulation of electrical installations, and licensing of electricians.

North Dakota - H.B. 725, increases from 3 to 4 years experience requirement for journeyman electricians license.

South Dakota - H.B. 707, establishes State Electrical Board, regulates electrical installations, and provides for their inspection; also provides for licensing of electrical contractors and electricians, and

H.B. 708, repeals existing law relating to electrical standards, etc.

Washington - S.B. 101, provides that state electrical code shall not apply in county which has adopted ordinance regulating electrical installations.

S.B. 139, repeals laws relating to electrical construction rules and regulations.

S.B. 477, transfers regulation to Insurance Commissioner and amends laws dealing with regulation of electricians and electrical installations.

Wyoming - H.B. 42, establishes a State Electrical Board, regulates electrical installations, and provides for licensing of electricians.

Pending:

Delaware - S.B. 621, provides for the licensing and regulation of electrical contractors

Iowa - S.F. 396 (H.F. 578), authorize County Board of Supervisors to adopt electrical codes and to regulate and inspect electrical installations.

Maine - H.B. 525, creates Board of Electrical Safety Rules and Regulations.

H.B. 821, clarifies electrical licensing law.

Michigan - H.B. 96, expands Electrical Administrative Board to include representative of distributors of electrical apparatus and supplies.

Minnesota - S.F. 1104^{Ass} (H.F. 1410), extend to 1963 the 1959 provisions for licensing temporary class C electricians.

New Hampshire - S.B. 63^{- failed} and H.B. 386^{Failed}, provide for registration and regulation of electricians and electrical installations.

Ohio - S.B. 318, provides for licensing of inspectors of electrical installations.

Oregon - S.B. 392, amends electrical safety law. (tabled in committee)
S.B. 398, amends standards for issuing general and limited journeyman electrician's licenses. - sub. 7. tabled by S.B. 546

Power Supply and Electric Lines.

Enacted:

Arizona - S.B. 189 (approved by Governor), makes appropriations for further investigation of Central Arizona Project.

S.B. 199 (approved by Governor)^{chap. 31}, authorizes Arizona Power Authority to engage counsel to represent it before the Federal Power Commission in connection with the Bridge Canyon and Marble Canyon projects.

Colorado - H.J.M. 2, urges Congress to approve the Fryingpan-Arkansas project and to appropriate construction funds.

Idaho - S.B. 105 (approved by Governor)^{ch. 91}, ratifies Columbia River Interstate Compact relating to the division, apportionment and use of waters in Columbia River System.

S.J. Mem. 14 (adopted), memorializes Congress to expedite legislation authorizing construction of Bruces Eddy dam project, Clearwater River.

Maryland - H.J. Res. 3, urges Congress to appropriate funds for completion of Potomac River Survey by Corps of Engineers.

H. Res. 3, urging reservation for future development in any Presidential proclamation establishing the C. & O. Canal as a national monument.

Montana - S.B. 83 (approved by Governor), ratifies Columbia River Interstate Compact.

S.J.M. 1, urges Congress to give immediate approval to construction of Libby Dam.

H.J.M. 12 (passed both Houses), requests FPC to approve construction of Buffalo Rapids project by taxpaying enterprise.

Nevada - A.B. 370 (approved by Governor)^{ch. 161}, ratifies Columbia River Interstate Compact.

New York - S.B. 2144 (approved by Governor)^{ch. 148}, ratifies Delaware River Basin Compact.

Utah - S.B. 90 (passed both Houses), ratifies Columbia River Interstate Compact.

West Virginia - S.B. 146 (approved by Governor), amends act creating Interstate Commission on Potomac River Basin.

Wyoming - S.B. 134 (approved by Governor), ratifies Columbia River Interstate Compact.

Failed:

Oregon - H.B. 1455, ratifies the Columbia River Interstate Compact.

Utah - H.J. Res. 16, urges Congress to expedite construction of power transmission facilities on Colorado River projects.

Washington - S.B. 180 (H.B. 209), ratifies Columbia River Interstate Compact.

Pending:

Alaska - S.B. 43, establishes Alaska Power Authority.

H.J.R. 6, urges Congress to appropriate funds for Bradley Lake Hydroelectric project.

California - S.J. Res. 11, memorializes Congress to exempt power deliveries from Bonneville Project outside present marketing area from statutory public power preference requirements.

Delaware - H.B. 205, ratifies the Delaware River Basin Compact.
New Jersey - S.B. 115 and A.B. 372 (passed Assembly), ratify Delaware River Basin Compact. (passed Senate and Assembly)

Oregon - H.J.M. 14 (adopted by House and Senate), urges ratification of treaty with Canada for development of Upper Columbia River Basin.

Pennsylvania - H.B. 1044 (S.B. 350), ratify Delaware River Basin Compact.

H.B. 388 (passed House), amends act creating Interstate Commission on Potomac River Basin.

Vermont - S.B. 68, approves Northeastern Water and Related Land Resources Compact.

Status not determined:

Montana - S.M. 2, urges Congress to provide funds for Bonneville-Reclamation intertie.

H.J.M. 7, urges construction of Libby Dam.

H.J.M. 10, urges development of Yellowtail power by tax-paying enterprise.

Atomic Energy - Radiation Regulation.

Bills for the regulation and control of radiation were enacted in Idaho (S.B. 64), Indiana (S.B. 192), New Hampshire (H.B. 4), New York (S.B. 127), Tennessee (H.B. 24), and Texas (S.B. 68); failed in Arizona (S.B. 51 and H.B. 91) and Utah (H.B. 196); and were pending in Iowa (H.F. 634), Missouri (S.B. 61 and H.B. 183), Nebraska (L.B. 478), and Oregon (H.B. 1490). *Wisc. (S.B. 623)*

Broader bills regulating and coordinating activities relative to the peaceful use of atomic energy were enacted in Tennessee (H.B. 28) and Washington (S.B. 427); failed in Utah (H.B. 185); and were pending in Minnesota (S.F. 34 and H.F. 450), Missouri (S.B. 62 and H.B. 184), and Nevada (A.B. 317). *- Wisconsin (AB)*

Bills to enact the Southern Interstate Nuclear Compact were enacted in Arkansas (H.B. 461, passed both Houses), and Tennessee (H.B. 299), and were pending in Texas (S.B. 189, passed Senate 2/15).

Fla. B. (H.B. 1636) South Carolina (S.B. 329)

Miscellaneous.

Enacted:

Nevada - S.B. 53 (approved by Governor), authorizes Mineral County power system to negotiate loan contracts with REA.

S.B. 221 (approved by Governor), authorizes Mineral County to issue power revenue bonds.

South Dakota - H.B. 735 (passed both Houses), permits municipal corporations to join with other municipals for operation of electric distribution or generation facilities.

Failed:

Montana - H.B. 395, limits transfer of electrical facilities to companies subject to Montana PSC jurisdiction, under penalty of escheat.

Tennessee - S.J.R. 20, declares collective bargaining agreements between cooperatives and municipally owned utilities and their employees not against public policy.

Washington - S.B. 142 (H.B. 179), authorize public utility districts and cities to jointly acquire and operate utility property.
H.B. 197, requires submission of Public Utility Districts proposal to condemn public utility property to a vote of the people.

Pending:

Ohio - H.B. 108, conveys property in Carrollton to Carroll Electric Cooperative.

Texas - H.B. 636, would require governing body of city, town or village to give preference to applicant for electrical franchise who pays the gross receipts tax where there is more than one applicant (electric cooperatives are exempt from this tax).

ELECTRIFICATION AND TELEPHONE

Electric and Telephone Cooperative Enabling Legislation.

Failed:

Utah - S.B. 166, enacts new nonprofit corporation law.

Pending:

Iowa - H.F. 137 (S.F. 133), enact new cooperative association law.

Amendment of Cooperative Enabling Laws.

Enacted:

Iowa - H.F. 54 ^{approved by Governor (5/2/61)} (~~passed both Houses~~), authorize payment of patronage dividend to deceased members.

Approved
Montana - H.B. 394 (passed both Houses), amends Electric and Telephone Cooperative Act to increase fees payable to the Secretary of State.

chap 87 *chap 110*
Wyoming - H.B. 2 and H.B. 6 (both approved by Governor), amend non-profit corporation law relating to incorporation procedures, amendment of articles of incorporation, admission or domestication of foreign nonprofit corporations, etc.

Failed:

Colorado - S.B. 153, amends nonprofit corporation law with respect to vote required for amendment of certificate of incorporation.

Montana - H.B. 368, amends Rural Electric and Telephone Cooperative Act to require electric and telephone cooperatives to file rates with PSC (see below).

North Dakota - H.B. 684 (vetoed by Governor), amends general cooperative law relating to use of cooperative funds for scholarship purposes.

H.B. 689, amends general cooperative law so as to specify purposes for which cooperative may be organized, includes telephone and electric transmission and distribution specifically.

H.B. 731, amends general cooperative law to require distribution and payment of the net proceeds in cash or tangible personal property and redemption of certificates of interest (capital credits) in cash or personal property on demand of holders.

H.B. 781, amends general cooperative law relative to apportionment and distribution of net proceeds of cooperatives to require payment in cash, tangible personal property or interest bearing stock or certificates of indebtedness.

Pending:

Iowa - H.F. 58 (passed House), (S.F. 55), permit cooperative membership to be held by public and private corporations as well as by individuals.

Minnesota - S.F. 449 (H.F. 566); H.F. 683 (S.F. 1633); and H.F. 1666 (S.F. 1632), amend Cooperative Associations Act relative to diminution of capital, retention of capital credits for reserve fund, payment of equity credits, election of directors, and dissolution.

Commission Regulation.

Enacted:

Montana - S. Res. 17, requests rural electric and telephone cooperatives to file their rate schedules with the Public Service Commission. (See H.B. 368, below.)

Constitutional Amendment No. 7
New Mexico - S.J.R. 7 (approved by Governor), constitutional amendment creating State Corporation Commission; providing for appointment of five member commission, and giving legislature authority to enact laws regulating public utilities.

Failed:

Montana - H.B. 368, amends Rural Electric and Telephone Cooperative Act to require electric and telephone cooperatives to file rates with PSC (see above).

New Mexico - S.B. 32 (Sub. H.B. 206), replaces Public Service Commission with State Corporation Commission, extends jurisdiction of State Corporation Commission over all utilities, and exempts electric and telephone cooperatives.

H.B. 81, extends jurisdiction of State Corporation Commission over all public utilities but specifically exempts electric cooperatives.

S.B. 80, defines duties of State Corporation Commission over public utilities.

S.J.R. 12, constitutional amendment providing for creation of a three member elected State Corporation Commission.

H.J.R. 2, constitutional amendment giving State Corporation Commission jurisdiction over public utilities.

Oregon - S.B. 42, requires application for, and issuance of, by the Public Utility Commissioner, certificates of convenience and necessity defining utility service areas to all utilities including electric and telephone but excluding toll lines and "farmer lines"; prohibits utilities from extending service outside of its area without a certificate; authorizes sale or exchange of utility property where duplication of service exists with the approval of the commissioner; prohibits duplication of facilities and services with enforcement entrusted to the commissioner.

South Dakota - S.B. 281, would have extended PUC jurisdiction to include electric as well as telephone utilities, and specifically cooperatives for rate regulation.

Washington - H.B. 642, subjects utilities formed under the Non-Profit Corporation Act to PSC regulation.

Pending:

Passed H. 3/20, with amendments - in conference
Alaska - S.B. 107 (passed Senate on March 13 with amendment), creates a Public Service Commission with jurisdiction over commercial, cooperative, and municipal utilities, including electric and telephone; prohibits operation after October 1, 1961, except with certificate of convenience and necessity which must be granted to utilities operating on October 15, 1960, in good faith in requested

areas; authorizes dual certificates only when existing utility does not provide service satisfactory to the commission; prohibits service to premises served or located within 1500 feet of existing line; provides for regulation of rates, accounting, service, and municipal and public utility district bonding arrangements; and repeals 1959 public service commission law.

Iowa - S.F. 275, enlarges jurisdiction of State Commerce Commission to include regulation of rates and services of public utilities furnishing gas, electricity or communications service to the public for compensation; exempts from rate regulation municipal utilities, cooperative corporations or associations, and mutual telephone companies in which 50% of the users are owners.

Minnesota - S.F. 1563 and 1564, relate to establishment of Public Service Commission.

Oregon - S.B. 487 (passed Senate on March 16 with amendment), authorizes agreements between suppliers of electric and telephone service for allocation of territory and transfer of facilities within allocated territories subject to approval of the public utility commissioner after hearing; also authorizes voluntary proceedings for allocation of territory where there is no duplication; provides for court enforcement; recognizes municipality's power to issue franchises and condemn utility facilities; confirms exemption of cooperative and municipalities from commissioner's regulatory authority over rates, service or financing.

Utility Relocation Reimbursement.

Enacted:

Indiana - H.B. 261 (approved by Governor), provides for reimbursement of utility by state for costs of relocating facilities occasioned by Federal-aid highway construction.

Tennessee - S.B. 866 (approved by Governor)^{chap. 317}, provides for relocation of utility facilities when necessitated by Federal-aid highway construction.

Failed:

may be considered 962 session { Georgia - H.B. 110, authorizes State Highway Department to relocate publicly-owned utility facilities affected by limited-access highway construction.

Idaho - H.B. 178, deletes statutory provisions permitting Highway Board to reimburse utilities for relocation in connection with Federal-aid highways which have been held unconstitutional by Idaho Supreme Court.

Montana - H.B. 409, limits state payments for utility relocation to cases where utility has clear title to its right-of-way.

New York - S.B. 3255 (A.B. 4576), provide for reimbursement for relocation of utility lines in connection with highway construction.

Pending:

Alabama - S.B. 364, H.B. 202 *substitute bill passed both Houses*
Alaska - H.B. 172, requires highway commissioner to pay the costs of utility relocation incident to construction of Federal-aid primary or secondary highways or the Interstate System, except where the utility construction was pursuant to a right-of-way agreement entered into after January 1, 1961, which requires the utility to relocate at its own expense.

California - A.B. 485^{approved-chap. 276} and 486^{approved-chap. 270}, includes in highway "incidental expenses" the cost of relocating or altering any public utility facilities required by the highway improvement.

Minnesota - H.F. 1689 (S.F. 1680), amend laws relative to reimbursement of utilities for relocation of facilities on interstate highway system.

Ohio - H.B. 87, requires utilities to remove or relocate facilities obstructing use or construction of highways within 90 days.

Oklahoma - S.B. 208, prescribes policies and conditions for reimbursing utilities for relocation costs occasioned by highway construction.

Oregon - S.B. 516, authorizes State Highway Commission to reimburse utilities for cost of relocations occasioned by Federal-aid highway construction where the state receives not less than 90% in Federal funds therefor.

Pennsylvania - H.B. 149, authorizes reimbursement of publicly-owned utilities for cost of relocation occasioned by Federal-aid highway construction.

Status not determined:

Montana - S.B. 199, reduces from 75% to 50% the share of utility relocation costs payable by state.

Unclaimed Property Act.

Bills providing for the enactment of the uniform disposition of unclaimed property act were enacted in Idaho (H.B. 16, passed both Houses); failed in Colorado (H.B. 103), Nebraska (L.B. 160), South Dakota (H.B. 872, vetoed by

Calif / S 31175 - amend 1959 act

File (S.B. 2) ?
S.B. 114, H.C. 265
H.B. 774

Governor), and West Virginia (H.B. 187); and were pending in Iowa (S.F. 272 and H.F. 401), Missouri (H.B. 42), Oklahoma (S.B. 79), and Texas (H.B. 182).

Bills in North Dakota (H.B. 857) and Texas (H.B. 470) to amend the general escheat law failed.

Uniform Commercial Code.

Act 185

approved by Governor, Chap 96.

Bills providing for the adoption of the uniform commercial code were enacted in Arkansas (S.B. 123), New Mexico (H.B. 50, ~~passed both Houses~~), and Wyoming (H.B. 12); failed in North Dakota (H.B. 747) and Washington (S.B. 72); and were pending in Alaska (H.B. 120), Maine (S.B. 456), Missouri (S.B. 1), Ohio (S.B. 5), Oklahoma (S.B. 36), and Oregon (H.B. 1020). Disposition of Montana H.B. 210 was not determined.

S.B. 198
S.B. 1093

N.J. A.B. 666

Committees to study and consider adoption of the code were enacted in Maryland (S.J.R. 18, passed both Houses), failed in Tennessee (S.J. Res. 57), and are pending in Minnesota (S.F. 342 and H.F. 637), South Carolina (H.B. 1119), and Vermont (H.B. 265).

Taxation.

Enacted:

Arkansas - H.B. 221, expands the exemption from use tax to include electric and communication companies among others.

Failed:

Indiana - H.B. 517, authorizes cities and towns to impose tax up to 10% on utility bills.

North Dakota - S.B. 120, imposes additional 3% tax on income, includes electric and telephone cooperatives, and provides certain credits.

S.B. 217, imposes additional 1½% tax on income, with certain credits for electric and telephone cooperatives.

Pending:

Noted in Senate
Died in House

Kansas - S.C. Res. 1 (H.C. Res. 19) propose amendment to constitution to provide for uniform classification of utility property for purposes of assessment and taxation.

Texas - H.B. 386, 918, and 1011, would impose excise tax of 2% or 3% on sales of electricity and telephone service, including sales by cooperatives.

Miscellaneous.

Failed:

New Mexico - H.B. 13, requires utilities furnishing service in New Mexico to maintain at least one billing office within the state.

TELEPHONE

Amendment of Cooperative Enabling Legislation.

Enacted:

South Dakota - S.B. 25 (approved by Governor), amends Sec. 11.1102, cooperative association law, relating to the notice to stockholders required for amendment of articles of incorporation for the purpose of increasing capital stock.

Tennessee - ^{H.B. 654 (approved by Governor) Chap. 245}
S.B. 527, amends General Welfare and Not for Profit Corporations Act (Sec. 48-1101 et seq.) relative to dissolution and distribution of assets.

H.B. 957 (approved by Governor), ^{Chap. 330} enacts telephone cooperative law.

Washington - H.B. 156 (approved by Governor), ^{Chap. 34} amends Cooperative Association Act, to provide for perpetual duration (in place of 50 years).

Failed:

South Dakota - H.B. 887, amends Sec. 11.1101 relating to the scope of cooperative activity.

Pending:

Oklahoma - S.B. 139 (passed Senate), amends Rural Telephone Cooperative Act, to provide for three instead of two classes of directors in fixing terms of office.

Commission Regulation.

Enacted:

Idaho - H.B. 185 (^{approved by Governor, Chap. 130} ~~passed both Houses~~), subjects telephone security issues to Public Utility Commission jurisdiction.

Failed:

Arkansas - H.B. 277, directs PSC to prohibit more than six on party line and refusal to serve anyone within 2 miles of existing lines.
H.B. 513, authorizes PSC to prescribe reasonable rules

for extensions of facilities to new subscribers, and to limit number of subscribers on party lines.

Indiana - H.B. 195, provides that in proceedings relating to granting certificates of territorial authority hearings shall be held to determine interest of persons to be served and provide that after approval by Public Service Commission a resident in certificated area of one telephone company may be served by company in an adjoining territory upon his payment of costs of construction of necessary lines.

S.B. 454, would have added a new section to the Public Service Commission Law, prescribing procedures whereby inadequate existing telephone service may be remedied by providing for service from another company or the merger of the companies involved.

Iowa - H.F. 570, establishes 10 miles as minimum distance for long distance calls.

Pending:

Minnesota - S.F. 944 (H.F. 1279), authorize the commission to issue certificates of territorial authority to telephone companies to continue service in areas presently served, and makes provision relative to duplication.

Missouri - H.B. 273, requires telephone companies to render services by new lines in areas adjacent to places being served under rate schedules on file with PSC; provides for revocation of certificates and for enforcement by injunction.

Nebraska - L.B. 310, amends Sec. 86-213, Nebr. Stats., to provide an additional alternative standard for granting certificate of convenience and necessity, viz. that no duplication of facilities will result.

L.B. 507, gives Railway Commission jurisdiction over intrastate rates; prescribes basis for determining such rates and for division of revenues.

L.B. 545, amends Sec. 86-213, Nebr. Stats., to permit person residing near dividing line between two companies to elect which company will serve him without Railway Commission approval.

Ohio - S.B. 175 (H.B. 253), permit Public Utilities Commission to change telephone company boundaries when in public interest.

Oklahoma - H.B. 620, deletes requirement that Corporation Commission before ordering telephone company to extend service in rural area find that it is earning a fair return.

Texas - H.B. 50, provides for regulation of intrastate operations of telephone utilities by Railroad Commission.

Taxation.

Pending - Calif. S.C.A. 26

Enacted:

Chap 61
Tennessee - S.B. 136 (approved by Governor), exempts nonprofit telephone cooperatives from payment of privilege tax.

Failed:

Vermont, H.B. 285

approved by Governor, Chap 172
Idaho - H.B. 120, limits exemption of cooperative telephone companies from ad valorem taxation to companies having 25 or less subscribers.

North Dakota - S.B. 103, would have amended provision relating to taxation of mutual or telephone cooperatives by increasing rate of tax on each instrument from 50¢ to \$1.00 and providing that tax exemption not apply to company buildings, real estate, and property not normally considered part of telephone plant.

H.B. 586, repealed provisions relating to taxation of mutual or cooperative telephone companies.

H.B. 889, would have enacted provisions relating to taxation of telephone companies and repealed existing law regarding taxation of mutual or cooperative telephone companies.

Utah - H.B. 145, strikes cooperative exemption from income taxes.

Party Line Telephones.

Bills providing penalties for failure to relinquish party line telephone in cases of emergencies were enacted in Colorado (S.B. 38, passed both Houses), *Maine (H.B. 700)* and Montana (S.B. 17, approved by Governor), and are pending in Maine (H.B. 700) and Texas (S.B. 366). *Florida (H.B. 1411)*

Alabama S.B. 75; H.B. 223

and Nebraska L.B. 121 (approved by Governor)

Prepared by
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UNITED STATES DEPARTMENT OF AGRICULTURE
Rural Electrification Administration

1961 State Legislation Affecting the REA Programs
Highlights of State Legislative Developments - Through May 1961
Fourth Interim Report - June 1, 1961

²⁸ General. Of the 47 state legislatures which have convened in regular session so far this year, 27 have adjourned. Three are not scheduled to convene until 1962. This report shows the status of bills included in earlier reports and adds bills newly introduced.

ELECTRIFICATION

³¹ Amendment of Cooperative Enabling Laws.

³⁴ Enacted: *

³⁷ New Mexico - Com. Sub. H.B. 408 (approved by Governor), outlines procedure for call and conduct of meetings of rural electric co-operatives.

North Dakota - S.B. 118 (approved by Governor), amends Electric Cooperative Corporation Act to give specific authorization for the formation of G & T cooperatives without limitation on service to non-members and permitting quorum requirements for G & T's to be provided in by-laws.

South Dakota - S.B. 180 (approved by Governor), amends Electric Cooperative Law to require majority vote of all members of a co-operative for the disposition of all or a substantial portion of its property.

Failed:

Arkansas - H.B. 503, requires electric cooperatives holding PSC certificates to extend lines and furnish service in any area where 2 or more prospective members per mile desire to become members.

H.B. 524, amends Electric Cooperative Corporation Act to require election of directors at annual meetings, permit 10 or more members to call special meetings for election of directors if annual meeting is not held, disqualify from election or appointment as directors persons serving as directors during period when annual meeting is not called, and requiring filing of bylaws and amendments with Secretary of State.

* Throughout this report bills which have passed both Houses but as to which action by the Governor has not been determined are listed under the heading "Enacted".

New Mexico - H.B. 170, provides that trustees of electric co-operatives be elected at large.

34
Pending:

Missouri - S.B. 45*, amends Rural Electric Cooperative Act to provide perpetual existence (in place of 50 years), and specifically authorize power resale, exchange and interchange arrangements.

Nebraska - L.B. 444, amends Public Power and Irrigation District Act, to provide exception to complete prohibition on transfer of power district property to private enterprises by permitting same to electric cooperatives and nonprofit corporations subject to condition that it may be resold only to power district, cooperative or nonprofit corporation.

L.B. 578, amends Public Power and Irrigation District Act, to prohibit sale of household appliances at retail.

L.B. 606, amends Public Power and Irrigation District Act, to provide for the establishment of wholesale power districts, prohibited to make retail sales.

L.B. 613, amends Public Power and Irrigation District Act, to require districts operating in more than 50 counties to amend their petitions for creation to conform their boundaries, number and election of directors as provided by law.

Vermont - S. 87, includes amendment to Electric Cooperative Act to provide for exceptions in exemption from jurisdiction of Public Service Board and subjects service and certain rates of cooperatives to Board's jurisdiction.

See also amendments of electric cooperative enabling acts dealing with protection of cooperative territory, immediately below.

Protection of Cooperative Territory.

Enacted:

Colorado - H.B. 245 (approved by Governor), declares electric co-operatives to be public utilities; and prohibits future duplication except on proof of public convenience and necessity.

New Mexico - H.B. 256 (approved by Governor) brings electric co-operatives under PSC jurisdiction (see "Commission Regulation" below); declares policy against unnecessary duplication; provides for certificates of convenience and necessity for electric co-operatives.

* Missouri - S.B. 45, passed Senate, with amendments, June 6, 1961.

Oklahoma - H.B. 769*(S.B. 162) (passed both Houses, awaiting Governor's action), amends Rural Electric Cooperative Act to redefine "rural area" and protect cooperative service in areas annexed to municipalities. (See also S.B. 161; H.B. 770, Pending, below.)

Oregon - see S.B. 487, below under "ELECTRIFICATION AND TELEPHONE - Commission Regulation", authorizing territory allocation agreements and procedures.

Failed:

Colorado - S.B. 68, prohibits duplication of existing service or service to new locations within one mile of facilities of another supplier; authorizes continuance of service in areas annexed to municipalities; provides for issuance of certificates of convenience and necessity by Public Service Commission so as to minimize duplication of service; subjects co-operatives to PSC jurisdiction for the purpose of enforcement of the provisions of the bill. (See H.B. 245, Enacted, above.)

Idaho - S.B. 25 (passed Senate 1/23; tabled in House), amends 1957 anti-duplication law to include municipal utilities.

S.B. 216, amends 1957 anti-duplication act, to define more exactly the limitations on extensions.

Michigan - H.B. 104, prescribes procedures for prevention of duplication of utility service.

Oregon - S.B. 156, authorizes voluntary contractual allocation of service areas between distributors of electric energy, the sale and exchange of facilities within allocated areas, subject to Public Utility Commissioner approval but with enforcement of the contracts entrusted to the courts. (See also S.B. 42 and 487 below under "ELECTRIFICATION AND TELEPHONE - Commission Regulation".)

South Dakota - S.B. 178 and 179, amend Electric Cooperative Law to redefine "rural areas" and to protect cooperative service in areas annexed to municipalities.

Texas - S.B. 7 (H.B. 2), further amend Electric Cooperative Corporation Act, to remove the restrictions imposed by the 1957 amendments on electric service in cities and towns and areas annexed thereto.

Utah - S.B. 147, prohibits duplication of existing electric service and extensions to unserved premises within one mile of line of another supplier; protects electric service and facilities in areas annexed to municipalities; provides for court enforcement.

Pending:

Alaska - S.B. 107, (passed both Houses, in conference, over to 1962 session) new Public Service Commission law, has anti-duplication section (see below "ELECTRIFICATION AND TELEPHONE - Commission Regulation).

Missouri - S.B. 45*, also (see above under "Amendment of Co-operative Enabling Laws", Pending) amends Rural Electric Co-operative Act to authorize continued service in areas which lose their rural character by reason of increase in population, incorporation or annexation, and to prohibit duplication of electric service by any supplier with enforcement by the courts.

Nebraska - L.B. 605, amends Public Power and Irrigation District Act, to provide for the elimination of overlapping, duplication and conflict between districts by giving districts which derive more than 50% of their revenues from retail sales the right to acquire or condemn electrical facilities located in their districts except those of cities, villages and cooperatives.

North Carolina - S.B. 345, amends Electric Membership Corporation Act, to prohibit cooperatives from initiating for the first time electric service in municipalities over 1500 population except with approval of municipality; permit continued service in municipalities regardless of population if, prior to increase in population so as to exceed 1500, such corporation is furnishing service therein, and permit extensions to unserved premises therein; and permit continued coop service in annexed areas and extensions to unserved premises therein.

Oklahoma - H.B. 770** (S.B. 161). (passed House with amendment providing for consumer's choice, passed Senate with amendment deleted, awaiting House action on Senate amendment); prohibits duplication of existing electric service and extensions to unserved premises located within 500 feet of distribution line of another supplier, except upon court order based on inadequacy of service; provides for court enforcement.

Pennsylvania - H.B. 1432, prohibits duplication of existing electric service and extensions to unserved premises located within 300 feet of distribution line of another supplier, except upon PUC order based on inadequacy of service; provides for Commission enforcement.

Wisconsin - A. 384 and S. 655, amends 1955 anti-duplication law to permit extension of cooperative facilities in areas annexed to cities and villages after January 1, 1961, which an electric cooperative was then serving.

* Missouri - S.B. 45, passed Senate, with amendments, June 6, 1961.

** Oklahoma - H.B. 770, approved June 6, 1961.

Commission Regulation.

Enacted:

Colorado - H.B. 245 (see "Protection of Cooperative Territory" above), subjects electric cooperatives to Public Utility Commission jurisdiction, including certificates of convenience and necessity.

New Mexico - H.B. 256 (approved by Governor), brings electric cooperatives under Public Utility Act; subjects them to PSC jurisdiction except as to issuance of obligations to the United States and as to certain rates; requires PSC to grant certificates of convenience and necessity on present plant, lines and systems; and authorizes dual, overlapping certificates. (See "Protection of Cooperative Territory", Enacted, above.)

Wyoming - H.B. 26 (approved by Governor), amends public utility law to provide that extra territorial operations of municipal utilities be covered.

Failed:

Kansas - H.B. 124, amends Public Utilities Act, to require municipal utilities to obtain certificate from Corporation Commission prior to extending lines and serving outside municipal limits.

H.C. Res. 28, directs Legislative Council to study placing municipal utility facilities outside of corporate limits under jurisdiction of the State Corporation Commission.

Minnesota - S.F. 113 (H.F. 242), provide for the regulation of electric and other utilities by the Warehouse and Railroad Commission (no jurisdiction is presently exercised over electric utilities), specifically exempts cooperatives furnishing electric service to members only.

New Mexico - H.B. 460 and 461, subject operations of municipal utilities outside of corporate limits to jurisdiction of Public Service Commission.

Pending:

Illinois - H.B. 362, amends Public Utilities Act to except rural electric cooperatives from its operation.

H.B. 1608, amends Public Utilities Act to provide that rural electric cooperatives shall not construct any new plant or facilities or transact any business without first obtaining a certificate of convenience and necessity from the Commerce Commission.

Nebraska - L.B. 469, limits construction of primary service connection lines over 700 volts.

L.B. 599, limits customer's primary service connection lines over 700 volts to those entirely on customer's premises, except for highway crossing, and permits line extensions without prior Railway Commission approval if owners of all other lines within $\frac{1}{4}$ mile consent and subject to filing of delayed application.

L.B. 494, creates Department of Public Power and transferring to it functions of the State Railway Commission and Department of Water Resources.

Vermont - see S. 87, above under "Amendment of Cooperative Enabling Laws", subjecting service and certain rates of electric cooperatives to Public Service Board regulation.

Taxation.

Enacted:

Idaho - H.B. 168 (approved by Governor), amends the 1959 law imposing $3\frac{1}{2}\%$ gross receipts tax on electric cooperatives in lieu of all other taxes on operating property so as to define specifically property used for generating electric energy as non-operating property which remains subject to tax, and provides formula for allocation of gross receipts tax payments among the counties.

New Mexico - Sub. H.B. 52 (approved by Governor), imposes 2% sales tax upon electric cooperatives.

Sub. H.B. 140 (approved by Governor), subjects sales of electricity by municipal utilities to 2% gross privilege tax.

Failed:

Arizona - H.C. Res. 2 and 11, and S.C. Res. 9, remove exemption of power and electrical districts.

Idaho - H.B. 169, repeals 1959 law imposing $3\frac{1}{2}\%$ gross receipts tax.

H.B. 216, provides for assessment of electric transmission and generating facilities of all electric utilities, including electric cooperatives, by State Tax Commission.

Oregon - S.B. 87, amends ORS 308.805, taxation of electric cooperatives to provide that the 2% gross earnings tax shall not be in lieu of ad valorem tax on dams, powerhouses, and generating equipment.

South Dakota - H.B. 922, provides additional taxation on rural electric cooperatives.

Texas - H.B. 936, levies an excise tax on intrastate sales of electricity, including sales by cooperatives.

Washington - H.B. 609, imposes a 3% tax on consumption of electricity and other fuels.

Pending:

Maine - H.B. 943 and H.B. 1035, exempt electricity from sales tax.

North Carolina - H.B. 370, makes electric membership corporations and municipal corporations subject to franchise tax.

H.B. 383, levies 3% tax upon sales of electric power, makes it applicable to electric membership corporations.

Vermont - H.B. 391, repeals electrical energy tax.

Electrical Licensing and/or Inspection.

Enacted:

Idaho - H.B. 34 (approved by Governor), amends existing laws on subject and establishes State Electrical Board.

Minnesota - S.F. 1104 (H.F. 1410) (approved by Governor), extend to 1963 the 1959 provisions for licensing temporary class C electricians.

Oregon - S.B. 546 (passed both Houses) amends electrical safety law including provisions relating to issuance of electricians licenses.

Failed:

Colorado - H.B. 199, amends the 1959 electrical licensing law, establishes new categories of limited master electricians and journeyman electrician; prescribes representation of electric utilities, and municipal and cooperative utilities on State Electrical Board, and provides for electrical inspection.

Iowa - S.F. 396 (H.F. 578), authorize County Board of Supervisors to adopt electrical codes and to regulate and inspect electrical installations.

Nebraska - L.B. 483, requires regulation of electrical contractors as condition to electrical installations; provides exceptions.

New Hampshire - S.B. 63 and H.B. 386, provide for registration and regulation of electricians and electrical installations..

New York - A.B. 4791, authorizes county supervision and regulation of electrical installations, and licensing of electricians.

North Dakota - H.B. 725, increases from 3 to 4 years experience requirement for journeyman electricians license.

Oregon - S.B. 392, amends electrical safety law.

S.B. 398, amends standards for issuing general and limited journeyman electrician's licenses. (Substituted by S.B. 546, see "Enacted", above.)

South Dakota - H.B. 707, establishes State Electrical Board, regulates electrical installations, and provides for their inspection; also provides for licensing of electrical contractors and electricians.

H.B. 708, repeals existing law relating to electrical standards, etc.

Washington - S.B. 101, provides that state electrical code shall not apply in county which has adopted ordinance regulating electrical installations.

S.B. 139, repeals laws relating to electrical construction rules and regulations.

S.B. 477, transfers regulation to Insurance Commissioner and amends laws dealing with regulation of electricians and electrical installations.

Wyoming - H.B. 42, establishes a State Electrical Board, regulates electrical installations, and provides for licensing of electricians.

Pending:

Illinois - S.B. 621, provides for the licensing and regulation of electrical contractors.

Maine - H.B. 525, creates Board of Electrical Safety Rules and Regulations.

H.B. 821, clarifies electrical licensing law.

Michigan - H.B. 96, expands Electrical Administrative Board to include representative of distributors of electrical apparatus and supplies.

Ohio - S.B. 318, provides for licensing of inspectors of electrical installations.

Oklahoma - H.B. 1044, replaces 1955 law providing for joint city-county electrical examining and appeal board for licensing and inspection of electrical installations.

Vermont - H. 270, provides for rules and regulations in the installation of electrical wiring, fixtures and apparatus and the licensing of electricians.

Power Supply and Electric Lines.

Enacted:

Arizona - S.B. 189 (approved by Governor), makes appropriations for further investigation of Central Arizona Project.

S.B. 199 (approved by Governor), authorizes Arizona Power Authority to engage counsel to represent it before the Federal Power Commission in connection with the Bridge Canyon and Marble Canyon projects.

Colorado - H.J.M. 2, urges Congress to approve the Fryingpan-Arkansas project and to appropriate construction funds.

Idaho - S.B. 105 (approved by Governor), ratifies Columbia River Interstate Compact relating to the division, apportionment and use of waters in Columbia River System.

S.J. Mem. 14 (adopted), memorializes Congress to expedite legislation authorizing construction of Bruces Eddy dam project, Clearwater River.

Maryland - H.J. Res. 3, urges Congress to appropriate funds for completion of Potomac River Survey by Corps of Engineers.

H. Res. 3, urging reservation for future development in any Presidential proclamation establishing the C. & O. Canal as a national monument.

Montana - S.B. 83 (approved by Governor), ratifies Columbia River Interstate Compact.

S.J.M. 1 (H.J.M. 7) (passed both Houses), urges Congress to give immediate approval to construction of Libby Dam.

H.J.M. 12 (passed both Houses), requests FPC to approve construction of Buffalo Rapids project by taxpaying enterprise.

Nevada - A.B. 370 (approved by Governor), ratifies Columbia River Interstate Compact.

New Jersey - S.B. 115 (A.B. 372) (approved by Governor), ratify Delaware River Basin Compact.

New York - S.B. 144 (approved by Governor), ratifies Delaware River Basin Compact.

Oregon - H.J.M. 14 (passed both Houses), urges ratification of treaty with Canada for development of Upper Columbia River Basin.

Pennsylvania - H.B. 388 (approved by Governor), amends act creating Interstate Commission on Potomac River Basin.

Utah - S.B. 90 (approved by Governor), ratifies Columbia River Interstate Compact.

West Virginia - S.B. 146 (approved by Governor), amends act creating Interstate Commission on Potomac River Basin.

Wyoming - S.B. 134 (approved by Governor), ratifies Columbia River Interstate Compact.

Failed:

Montana - S.M. 2, urges Congress to provide funds for Bonneville-Reclamation intertie.

H.J.M. 10, urges development of Yellowtail power by taxpaying enterprise.

Oregon - H.B. 1495, ratifies the Columbia River Interstate Compact.

Utah - H.J. Res. 16, urges Congress to expedite construction of power transmission facilities on Colorado River projects.

Washington - S.B. 180 (H.B. 209), ratifies Columbia River Interstate Compact.

Pending:

Alaska - S.B. 43, establishes Alaska Power Authority.

H.J.R. 6, urges Congress to appropriate funds for Bradley Lake Hydroelectric project.

California - S.J. Res. 11, memorializes Congress to exempt power deliveries from Bonneville Project outside present marketing area from statutory public power preference requirements.

Delaware - H.B. 205, ratifies the Delaware River Basin Compact.

Pennsylvania - H.B. 1044 (S.B. 350), ratify Delaware River Basin Compact.

Vermont - S.B. 68, approves Northeastern Water and Related Land Resources Compact.

Atomic Energy - Radiation Regulation.

Bills for the regulation and control of radiation were enacted in Idaho (S.B. 64), Indiana (S.B. 192), New Hampshire (H.B. 4), New York (S.B. 127), Oregon (H.B. 1490), Tennessee (H.B. 24), and Texas (S.B. 68); failed in Arizona (S.B. 51 and H.B. 91), Iowa (H.F. 637), and Utah (H.B. 196); and were pending in Alabama (S.B. 86 and H.B. 351), California (A.B. 1975 and A.B. 2315), Illinois (S.B. 634 and S.B. 635), Missouri (S.B. 61 and H.B. 183), Nebraska (L.B. 478), New Jersey (A.B. 511), and Wisconsin (S.B. 623).

Broader bills regulating and coordinating activities relative to the peaceful use of atomic energy were enacted in Tennessee (H.B. 28 and Washington (S.B. 427); failed in Minnesota (S.F. 34 and H.F. 450), Nevada (A.B. 317), and Utah (H.B. 185); and were pending in Missouri (S.B. 62 and H.B. 184) and Wisconsin (A.B. 600).

Bills to enact the Southern Interstate Nuclear Compact were enacted in Arkansas (H.B. 461), South Carolina (S.B. 329), Tennessee (H.B. 299), and Texas (S.B. 189); and were pending in Alabama (S.B. 34 and H.B. 136) and Florida (H.B. 1636, passed House 5/27).

Miscellaneous.

Enacted:

Nevada - S.B. 53 (approved by Governor), authorizes Mineral County power system to negotiate loan contracts with REA.

S.B. 221 (approved by Governor), authorizes Mineral County to issue power revenue bonds.

Ohio - H.B. 108, conveys property in Carrollton to Carroll Electric Cooperative.

South Dakota - H.B. 735 (passed both Houses), permits municipal corporations to join with other municipals for operation of electric distribution or generation facilities.

Failed:

Montana - H.B. 395, limits transfer of electrical facilities to companies subject to Montana PSC jurisdiction, under penalty of escheat.

Tennessee - S.J.R. 20, declares collective bargaining agreements between cooperatives and municipally owned utilities and their employees not against public policy.

Washington - S.B. 142 (H.B. 179), authorize public utility districts and cities to jointly acquire and operate utility property.

H.B. 197, requires submission of Public Utility Districts proposal to condemn public utility property to a vote of the people.

Texas - H.B. 636, would require governing body of city, town or village to give preference to applicant for electrical franchise who pays the gross receipts tax where there is more than one applicant (electric cooperatives are exempt from this tax).

ELECTRIFICATION AND TELEPHONE

Electric and Telephone Cooperative Enabling Legislation.

Failed:

Iowa - H.F. 137 (S.F. 133), enact new cooperative association law.

Utah - S.B. 166, enacts new nonprofit corporation law.

Amendment of Cooperative Enabling Laws.

Enacted:

Iowa - H.F. 54 (approved by Governor), authorizes payment of patronage dividend to deceased members.

Minnesota - H.F. 566 (S.F. 449) (approved by Governor), amends the Cooperative Associations Act, repealing restriction on diminution of capital and relating to dissolution proceedings.

Montana - H.B. 394 (approved by Governor), amends Electric and Telephone Cooperative Act to increase fees payable to the Secretary of State.

Wyoming - H.B. 2 and H.B. 6 (both approved by Governor), amend nonprofit corporation law relating to incorporation procedures, amendment of articles of incorporation, admission or domestication of foreign nonprofit corporations, etc.

Failed:

Colorado - S.B. 153, amends nonprofit corporation law with respect to vote required for amendment of certificate of incorporation.

Iowa - H.F. 58 and S.F. 55, permit cooperative membership to be held by public and private corporations as well as by individuals.

Minnesota - H.F. 683 (S.F. 1633); and H.F. 1666 (S.F. 1632), amend Cooperative Associations Act relative to payment of equity credits and election of directors.

Montana - H.B. 368, amends Rural Electric and Telephone Cooperative Act to require electric and telephone cooperatives to file rates with PSC (see below under "Commission Regulation", failed).

North Dakota - H.B. 684 (vetoed by Governor), amends general cooperative law relating to use of cooperative funds for scholarship purposes.

H.B. 689, amends general cooperative law so as to specify purposes for which cooperative may be organized, includes telephone and electric transmission and distribution specifically.

H.B. 731, amends general cooperative law to require distribution and payment of the net proceeds in cash or tangible personal property and redemption of certificates of interest (capital credits) in cash or personal property on demand of holders.

H.B. 781, amends general cooperative law relative to apportionment and distribution of net proceeds of cooperatives to require payment in cash, tangible personal property or interest bearing stock or certificates of indebtedness.

Commission Regulation.

Enacted:

Montana - S. Res. 17; requests rural electric and telephone cooperatives to file their rate schedules with the Public Service Commission. (See H.B. 368, below.)

New Mexico - S.J.R. 7 (approved by Governor), constitutional amendment creating State Corporation Commission; providing for appointment of five member commission, and giving legislature authority to enact laws regulating public utilities.

Oregon - S.B. 487 (approved by Governor), authorizes agreements between suppliers of electric and telephone service for allocation of territory and transfer of facilities within allocated territories subject to approval of the public utility commissioner after hearing; also authorizes voluntary proceedings for allocation of territory where there is no duplication; provides for court enforcement; recognizes municipality's power to issue franchises and condemn utility facilities; confirms exemption of cooperative and municipalities from commissioner's regulatory authority over rates, service or financing.

Failed:

Iowa - S.F. 275, enlarges jurisdiction of State Commerce Commission to include regulation of rates and services of public utilities furnishing gas, electricity or communications service to the public for compensation; exempts from rate regulation municipal utilities, cooperative corporations or associations, and mutual telephone companies in which 50% of the users are owners.

Minnesota - S.F. 1563 and 1564, relate to establishment of Public Service Commission.

Montana - H.B. 368, amends Rural Electric and Telephone Cooperative Act to require electric and telephone cooperatives to file rates with PSC (see above).

New Mexico - S.B. 32 (Sub. H.B. 206), replaces Public Service Commission with State Corporation Commission, extends jurisdiction of State Corporation Commission over all utilities, and exempts electric and telephone cooperatives.

H.B. 81, extends jurisdiction of State Corporation Commission over all public utilities but specifically exempts electric cooperatives.

S.B. 80, defines duties of State Corporation Commission over public utilities.

S.J.R. 12, constitutional amendment providing for creation of a three member elected State Corporation Commission.

H.J.R. 2, constitutional amendment giving State Corporation Commission jurisdiction over public utilities.

Oregon - S.B. 42, requires application for, and issuance of, by the Public Utility Commissioner, certificates of convenience and necessity defining utility service areas to all utilities including electric and telephone but excluding toll lines and "farmer lines"; prohibits utilities from extending service outside of its area without a certificate; authorizes sales or exchange of utility property where duplication of service exists with the approval of the commissioner; prohibits duplication of facilities and services with enforcement entrusted to the commissioner.

South Dakota - S.B. 281, would have extended PUC jurisdiction to include electric as well as telephone utilities, and specifically cooperatives for rate regulation.

Washington - H.B. 642, subjects utilities formed under the Non-Profit Corporation Act to PSC regulation.

Failed:

Iowa - S.F. 275, enlarges jurisdiction of State Commerce Commission to include regulation of rates and services of public utilities furnishing gas, electricity or communications service to the public for compensation; exempts from rate regulation municipal utilities, cooperative corporations or associations, and mutual telephone companies in which 50% of the users are owners.

Minnesota - S.F. 1563 and 1564, relate to establishment of Public Service Commission.

Montana - H.B. 368, amends Rural Electric and Telephone Cooperative Act to require electric and telephone cooperatives to file rates with PSC (see above).

New Mexico - S.B. 32 (Sub. H.B. 206), replaces Public Service Commission with State Corporation Commission, extends jurisdiction of State Corporation Commission over all utilities, and exempts electric and telephone cooperatives.

H.B. 81, extends jurisdiction of State Corporation Commission over all public utilities but specifically exempts electric cooperatives.

S.B. 80, defines duties of State Corporation Commission over public utilities.

S.J.R. 12, constitutional amendment providing for creation of a three member elected State Corporation Commission.

H.J.R. 2, constitutional amendment giving State Corporation Commission jurisdiction over public utilities.

Oregon - S.B. 42, requires application for, and issuance of, by the Public Utility Commissioner, certificates of convenience and necessity defining utility service areas to all utilities including electric and telephone but excluding toll lines and "farmer lines"; prohibits utilities from extending service outside of its area without a certificate; authorizes sales or exchange of utility property where duplication of service exists with the approval of the commissioner; prohibits duplication of facilities and services with enforcement entrusted to the commissioner.

South Dakota - S.B. 281, would have extended PUC jurisdiction to include electric as well as telephone utilities, and specifically cooperatives for rate regulation.

Washington - H.B. 642, subjects utilities formed under the Non-Profit Corporation Act to PSC regulation.

Minnesota - H.F. 683 (S.F. 1633); and H.F. 1666 (S.F. 1632), amend Cooperative Associations Act relative to payment of equity credits and election of directors.

Montana - H.B. 368, amends Rural Electric and Telephone Cooperative Act to require electric and telephone cooperatives to file rates with PSC (see below under "Commission Regulation", failed).

North Dakota - H.B. 684 (vetoed by Governor), amends general cooperative law relating to use of cooperative funds for scholarship purposes.

H.B. 689, amends general cooperative law so as to specify purposes for which cooperative may be organized, includes telephone and electric transmission and distribution specifically.

H.B. 731, amends general cooperative law to require distribution and payment of the net proceeds in cash or tangible personal property and redemption of certificates of interest (capital credits) in cash or personal property on demand of holders.

H.B. 781, amends general cooperative law relative to apportionment and distribution of net proceeds of cooperatives to require payment in cash, tangible personal property or interest bearing stock or certificates of indebtedness.

Commission Regulation.

Enacted:

Montana - S. Res. 17, requests rural electric and telephone cooperatives to file their rate schedules with the Public Service Commission. (See H.B. 368, below.)

New Mexico - S.J.R. 7 (approved by Governor), constitutional amendment creating State Corporation Commission; providing for appointment of five member commission, and giving legislature authority to enact laws regulating public utilities.

Oregon - S.B. 487 (approved by Governor), authorizes agreements between suppliers of electric and telephone service for allocation of territory and transfer of facilities within allocated territories subject to approval of the public utility commissioner after hearing; also authorizes voluntary proceedings for allocation of territory where there is no duplication; provides for court enforcement; recognizes municipality's power to issue franchises and condemn utility facilities; confirms exemption of cooperative and municipalities from commissioner's regulatory authority over rates, service or financing.

Pending:

Alaska - S.B. 107 (passed both Houses, in conference, over to 1962 session), creates a Public Service Commission with jurisdiction over commercial, cooperative, and municipal utilities, including electric and telephone; prohibits operation after October 1, 1961, except with certificate of convenience and necessity which must be granted to utilities operating on October 15, 1960, in good faith in requested areas; authorizes dual certificates only when existing utility does not provide service satisfactory to the commission; prohibits service to premises served or located within 1500 feet of existing line; provides for regulation of rates, accounting, service, and municipal and public utility district bonding arrangements; and repeals 1959 public service commission law.

Vermont - S. 99, expands Public Service Board authority to require use of transmission or distribution facilities for carriage of power, to regulate sales of energy transmitted from outside the state, and to compel interconnection of telephone facilities.

Utility Relocation Reimbursement.

Enacted:

Alaska - H.B. 172 (approved by Governor), requires highway commissioner to pay the costs of utility relocation incident to construction of Federal-aid primary or secondary highways or the Interstate System, except where the utility construction was pursuant to a right-of-way agreement entered into after January 1, 1961, which requires the utility to relocate at its own expense.

California - A.B. 485 and 486 (approved by Governor), includes in highway "incidental expenses" the cost of relocating or altering any public utility facilities required by the highway improvement.

Indiana - H.B. 261 (approved by Governor), provides for reimbursement of utility by state for costs of relocating facilities occasioned by Federal-aid highway construction.

Tennessee - S.B. 866 (approved by Governor), provides for relocation of utility facilities when necessitated by Federal-aid highway construction.

Failed:

Georgia - H.B. 110, authorizes State Highway Department to relocate publicly-owned utility facilities affected by limited-access highway construction.

Idaho - H.B. 178, deletes statutory provisions permitting Highway Board to reimburse utilities for relocation in connection with Federal-aid highways which have been held unconstitutional by Idaho Supreme Court.

Minnesota - H.F. 1689 (S.F. 1680), amend laws relative to reimbursement of utilities for relocation of facilities on interstate highway system.

Montana - S.B. 199, reduces from 75% to 50% the share of utility relocation costs payable by state.

H.B. 409, limits state payments for utility relocation to cases where utility has clear title to its right-of-way.

New York - S.B. 3255 (A.B. 4576), provides for reimbursement for relocation of utility lines in connection with highway construction.

Oregon - S.B. 516, authorizes State Highway Commission to reimburse utilities for cost of relocation occasioned by Federal-aid highway construction where the state receives not less than 90% in Federal funds therefor.

Pending:

Alabama - S.B. 64 (H.B. 202), provide for reimbursement of utilities for cost of relocating facilities necessitated by Federal-aid highway projects.

Ohio - H.B. 87, requires utilities to remove or relocate facilities obstructing use or construction of highways within 90 days.

Oklahoma - S.B. 208, prescribes policies and conditions for reimbursing utilities for relocation costs occasioned by highway construction.

Pennsylvania - H.B. 149, authorizes reimbursement of publicly-owned utilities for cost of relocation occasioned by Federal-aid highway construction.

Unclaimed Property Act.

Bills providing for the enactment of the uniform disposition of unclaimed property act were enacted in Florida (S.B. 2, passed both Houses) and Idaho (H.B. 16, approved by Governor); failed in Colorado (H.B. 103), Iowa (S.F. 272, H.F. 401), Missouri (H.B. 42), Nebraska (L.B. 160), South Dakota (H.B. 872, vetoed by Governor), Texas (H.B. 182), and West Virginia (H.B. 187); and were pending in Illinois (S.B. 114, H.B. 365, H.B. 774) and Oklahoma (S.B. 79).

Bills in North Dakota (H.B. 857) and Texas (H.B. 470) to amend the general escheat law failed.

Uniform Commercial Code.

Bills providing for the adoption of the uniform commercial code were enacted in Arkansas (S.B. 123, approved by Governor), New Mexico (H.B. 50, approved by Governor), Ohio (S.B. 5, passed both Houses), Oregon (H.B. 1020, passed both Houses), and Wyoming (H.B. 12, approved by Governor); failed in Montana (H.B. 210), North Dakota (H.B. 747), and Washington (S.B. 72); and were pending in Alaska (H.B. 120, over to 1962 session), California (S.B. 1093), Illinois (S.B. 198), Maine (S.B. 456), Missouri (S.B. 1), New Jersey (A.B. 666), and Oklahoma (S.B. 36).

Committees to study and consider adoption of the code were enacted in Maryland (S.J.R. 18, approved by Governor), failed in Minnesota (S.F. 342 and H.F. 637), Tennessee (S.J. Res. 57); and are pending in South Carolina (H.B. 1119, over to 1962 session) and Vermont (H.B. 265).

Taxation.

Enacted:

Arkansas - H.B. 221, expands the exemption from use tax to include electric and communication companies among others.

Failed:

Indiana - H.B. 517, authorizes cities and towns to impose tax up to 10% on utility bills.

Kansas - S.C. Res. 1 (H.C. Res. 19) propose amendment to constitution to provide for uniform classification of utility property for purposes of assessment and taxation.

North Dakota - S.B. 120, imposes additional 3% tax on income, includes electric and telephone cooperatives, and provides certain credits.

S.B. 217, imposes additional $1\frac{1}{2}\%$ tax on income, with certain credits for electric and telephone cooperatives.

Texas - H.B. 386, 918, and 1011, would impose excise tax of 2% or 3% on sales of electricity and telephone service, including sales by cooperatives.

Miscellaneous.

Failed:

New Mexico - H.B. 13, requires utilities furnishing service in New Mexico to maintain at least one billing office within the state.

TELEPHONE

Amendment of Cooperative Enabling Legislation.

Enacted:

Oklahoma - S.B. 139 (approved by Governor), amends Rural Telephone Cooperative Act, to provide for three instead of two classes of directors in fixing terms of office.

South Dakota - S.B. 25 (approved by Governor), amends Sec. 11.1102, cooperative association law, relating to the notice to stockholders required for amendment of articles of incorporation for the purpose of increasing capital stock.

Tennessee - H.B. 654 (S.B. 527) (approved by Governor), amends General Welfare and Not for Profit Corporations Act (Sec. 48-1101 et seq.) relative to dissolution and distribution of assets.

H.B. 957 (approved by Governor), enacts telephone cooperative law.

Washington - H.B. 156 (approved by Governor), amends Cooperative Association Act, to provide for perpetual duration (in place of 50 years).

Failed:

South Dakota - H.B. 887, amends Sec. 11.1101 relating to the scope of cooperative activity.

Commission Regulation.

Enacted:

Idaho - H.B. 185 (approved by Governor), subjects telephone security issues to Public Utility Commission jurisdiction.

Minnesota - H.F. 1279 (S.F. 944) (approved by Governor) authorizes the commission to issue certificates of territorial authority to telephone companies to continue service in areas presently served, provides for determination by Commission of territorial conflicts and the revocation of certificates for failure to furnish reasonably adequate service.

Nebraska - L.B. 310 (approved by Governor), amends Sec. 86-213, Nebr. Stats., to provide an additional alternative standard for granting certificate of convenience and necessity, viz. that no duplication of facilities will result.

Failed:

Arkansas - H.B. 277, directs PSC to prohibit more than six on party line and refusal to serve anyone within 2 miles of existing lines.

H.B. 513, authorizes PSC to prescribe reasonable rules for extensions of facilities to new subscribers, and to limit number of subscribers on party lines.

Indiana - H.B. 195, provides that in proceedings relating to granting certificates of territorial authority hearings shall be held to determine interest of persons to be served and provide that after approval by Public Service Commission a resident in certificated area of one telephone company may be served by company in an adjoining territory upon his payment of costs of construction of necessary lines.

S.B. 454, would have added a new section to the Public Service Commission Law, prescribing procedures whereby inadequate existing telephone service may be remedied by providing for service from another company or the merger of the companies involved.

Iowa - H.F. 570, establishes 10 miles as minimum distance for long distance calls.

Missouri - H.B. 273, requires telephone companies to render services by new lines in areas adjacent to places being served under rate schedules on file with PSC; provides for revocation of certificates and for enforcement by injunction.

Texas - H.B. 50, provides for regulation of intrastate operations of telephone utilities by Railroad Commission.

Pending:

Nebraska - L.B. 507, gives Railway Commission jurisdiction over intrastate rates; prescribes basis for determining such rates and for division of revenues.

L.B. 545, amends Sec. 86-213, Nebr. Stats., to permit person residing near dividing line between two companies to elect which company will serve him without Railway Commission approval.

Ohio - S.B. 175 (H.B. 253), permit Public Utilities Commission to change telephone company boundaries when in public interest.

Oklahoma - H.B. 620, deletes requirement that Corporation Commission before ordering telephone company to extend service in rural area find that it is earning a fair return.

H.B. 1101, strengthens Corporation Commission's authority relative to ordering service to residents in open territory from adjacent telephone exchange.

Taxation.

Enacted:

Idaho - H.B. 120 (approved by Governor), limits exemption of cooperative telephone companies from ad valorem taxation to companies having 25 or less subscribers.

Tennessee - S.B. 136 (approved by Governor), exempts nonprofit telephone cooperatives from payment of privilege tax.

Failed:

North Dakota - S.B. 103, would have amended provision relating to taxation of mutual or telephone cooperatives by increasing rate of tax on each instrument from 50¢ to \$1.00 and providing that tax exemption not apply to company buildings, real estate, and property not normally considered part of telephone plant.

H.B. 586, repealed provisions relating to taxation of mutual or cooperative telephone companies.

H.B. 889, would have enacted provisions relating to taxation of telephone companies and repealed existing law regarding taxation of mutual or cooperative telephone companies.

Utah - H.B. 145, strikes cooperative exemption from income taxes.

Pending:

California - S.C.A. 26, proposes to amend constitution by adding provisions for an annual in lieu tax on telephone companies.

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UNITED STATES DEPARTMENT OF AGRICULTURE
Rural Electrification Administration

1961 State Legislation Affecting the REA Programs
Highlights of State Legislative Developments - Through September 1961
Final Report - October 16, 1961

General. Of the 47 state legislatures which convened in regular session this year, 43 have adjourned. The remaining four legislatures (Delaware, New Jersey, Ohio, and Wisconsin) are in recess. So far this year, sixteen legislatures have held special sessions.

This report shows the final status of bills included in earlier reports and those introduced after issuance of the previous interim report.

ELECTRIFICATION

Amendment of Cooperative Enabling Laws.

Enacted:

Nebraska - L.B. 578, approved July 13, 1961, and effective January 1, 1963, amends the Public Power and Irrigation District Act (§ 70-625, Rev. Stats. Nebr.) to prohibit sale of household appliances at retail, when the retail price exceeds fifty dollars but excepting newly developed electrical appliances during an introductory period (until used by twenty-five percent of all electrical customers served by district but in no event exceeding five years from date of introduction to the local market). - Chap. 335

New Mexico - H.B. 408, approved March 31, 1961, Chap. 210, and effective June 29, 1961, amends Rural Electric Cooperative Act (§ 45-4-8, N. Mex. Stats. Ann.) relating to procedure for call and conduct of meetings of rural electric cooperatives by providing that special meetings shall be held at the place designated in the petition and that notice of the purpose for which such meetings are called shall be given to each member by the board, the secretary or their legal representatives.

North Dakota - S.B. 118, approved March 3, 1961, Chap. 118, and effective July 1, 1961, amends Electric Cooperative Corporation Act to give specific authorization for the formation of generation and transmission cooperatives without limitation on service to non-members and permitting quorum requirements for such cooperatives to be provided in bylaws.

South Dakota - S.B. 180, approved March 9, 1961, Chap. 28, and effective July 1, 1961, amends Electric Cooperative Law to require majority vote of all members of a cooperative instead of a majority of those present at a meeting for the disposition of all or a substantial portion of its property.

Vermont - S. 87, approved August 1, 1961, includes amendment to Electric Cooperative Act to provide for exceptions in exemption from jurisdiction of Public Service Board and subjects service and certain rates of cooperatives to Board's jurisdiction. (See "Commission Regulation, Enacted", below.)

Failed:

Arkansas - H.B. 524, withdrawn, would have amended Electric Cooperative Corporation Act to require election of directors at annual meetings or at special meetings called for that purpose; permit 10 or more members to call special meetings for election of directors, if during any two year period a meeting is not held; disqualify from election or appointment as directors persons serving as directors during period when meeting could have been called; and require filing of bylaws and amendments with Secretary of State.

Missouri - S.B. 45, as passed Senate, would have amended Rural Electric Cooperative Act relating to powers of a cooperative, by specifically authorizing resale of energy in any areas for exchange or interchange, but prohibiting sale of energy to municipalities in non-rural areas whose requirements are being served exclusively by a regulated utility unless such utility gives its written consent. (Bill includes other provisions reported under "Protection of Cooperative Territory, Failed" below.)

Nebraska - L.B. 444, would have amended Public Power and Irrigation District Act to provide exception to complete prohibition on transfer of power districts property to private enterprises by permitting same to electric cooperatives and nonprofit corporations subject to condition that it may be resold only to power district, cooperative or nonprofit corporation.

- L.B. 606, would have amended Public Power and Irrigation District Act, to provide for the establishment of wholesale power districts, and prohibiting retail sales, except in case of acquisition, retail sales must terminate December 31, 1972.

- L.B. 613, would have amended Public Power and Irrigation District Act, to require districts operating in more than 50 counties, other than those primarily engaged in wholesale generation and transmission, to amend their petitions for creation to conform their boundaries, number and election of directors as provided by law.

See also amendments of electric cooperative enabling acts dealing with protection of cooperative territory, immediately below.

Protection of Cooperative Territory.

Enacted:

Colorado - H.B. 245, approved and effective April 22, 1961, Chap. 198, declares electric cooperatives to be public utilities; and gives the Public Utilities Commission authority in cases of duplication to issue certificates of public convenience and necessity, assigning specific territories and defining conditions of rendering service and constructing extensions. (See S.B. 68, Failed, below and "Commission Regulation, Enacted", below).

Nebraska - L.B. 469, approved June 22, 1961, and effective October 8, 1961, amends § 86-322, Rev. Stats. Nebr., relating to construction of transmission lines to permit building of certain line extensions prior to Railway Commission approval subject to the consent of owners of electrical lines, communication signal lines or railroads located within one quarter mile of the extension; further provides that until October 1, 1963, application for construction of rural transmission lines (over 700 volts) or generating facilities, other than municipal, be filed with and hearings held by the Director of the Department of Water Resources, who is authorized to approve or deny any application upon finding that the application will serve the public convenience and necessity and that applicant can supply the electric service most economically and feasibly without unnecessary duplication of facilities or operations. chap. 461

- L.B. 605, approved and effective June 21, 1961, provides for the creation of the Nebraska Public Power Committee, composed of representatives of public power districts, electric membership associations and cooperatives, and municipalities, to eliminate overlapping, duplication and conflict by arranging the voluntary exchange or purchase of facilities, consolidation of operations, merger or separation of existing districts, definition of areas of service and other means as they may recommend. All actions and reports of the Committee must be unanimously adopted. Report of accomplishments to be filed with the Clerk of the Legislature before August 15, 1962, with a supplemental report filed before December 15, 1962. The act expires October 1, 1963. 19 chap. 336

- L. Res. 35, adopted June 29, 1961, provides for the appointment of a seven member committee by the Executive Board of the Legislative Council to study the problems of the public power agencies in regard to generation, transmission and distribution of power and to make a report of its findings and recommendations to the next regular session of the legislature.

New Mexico - H.B. 256, approved March 22, 1961, Chap. 89, and effective July 1, 1961, brings electric cooperatives under Public Service Commission jurisdiction (see "Commission Regulation, Enacted", below);

declares policy against unnecessary duplication; provides for certificates of convenience and necessity for electric cooperatives.

Oklahoma - H.B. 769, approved June 6, 1961, and effective October 27, 1961, amends Rural Electric Cooperative Act to redefine "rural area" so as to include areas served by electric cooperatives which are included within municipal boundaries and to authorize continued cooperative service and the extension thereof in such areas, and the use of public thoroughfares in such areas without obtaining franchise or permit, subject to compliance with local safety requirements, the payment of local taxes, and the acquisition of cooperative facilities in such areas for fair value by the municipal utility.

- H.B. 770, approved June 6, 1961, and effective October 27, 1961, prohibits duplication by commercial and cooperative, but not municipal, electric suppliers, in rural areas, of existing electric service and extensions to unserved premises located within 500 feet of distribution line of another supplier, except with the written consent of the other supplier or upon court order based on inadequacy of service; provides for court enforcement.

Oregon - see S.B. 487, below under "ELECTRIFICATION AND TELEPHONE - Commission Regulation, Enacted", authorizing territory allocation agreements and procedures; see also S.B. 156, Failed, below.

Wisconsin - S. 655, approved September 15, 1961, Chap. 490, and effective September 23, 1961, amends 1955 anti-duplication law to permit extension of cooperative facilities in areas annexed to cities and villages after January 1, 1961, which an electric cooperative was then serving, under condition that such extension may not be made to premises closer to the facilities of the public utility operating in the city or village; that cooperative distribution facilities in such areas be subject to taxation in the same manner as is property of public utilities; that such facilities may be acquired by any city or village operating its own electric system; that rates for service shall be the same for the same classes of service as those charged by the public utility operating in said city or village and that the Public Service Commission shall have authority to approve or fix cooperative rates in annexed areas; that the Public Service Commission may determine and fix area service boundaries in annexed areas to avoid duplication of facilities; and that the commission has authority to enforce these provisions and to allocate, assess and collect expenses from cooperative associations involved in any proceedings under this act.

Failed:

Colorado - S.B. 68, died in Senate Committee, would have prohibited duplication by an electric supplier of existing service or service to new locations within one mile of facilities of another supplier;

authorized continuance of service in areas annexed to municipalities subject to payment of franchise tax and to condemnation rights of municipalities; provided for issuance of certificates of convenience and necessity by Public Utilities Commission covering specific areas served by a supplier, and for redefinition of areas covered by existing certificates; and subjected cooperatives to Public Utilities Commission jurisdiction for the purpose of enforcement of the provisions of the bill. (See H.B. 245, Enacted, above.)

Idaho - S.B. 25, passed Senate, died in House, would have amended 1957 anti-duplication law so as to include municipal utilities.

- S.B. 216, died in Senate, would have amended 1957 anti-duplication law, to define more exactly the limitations on extensions.

Illinois - H.B. 1675, died in House, would have amended Public Utilities Act to prohibit rural electric cooperative or public utility from duplicating electric service in any area, from extending service in any area from which any other cooperative or public utility holds a certificate of convenience and necessity or franchise, or from extending service to a location which has been previously served unless the Commerce Commission after hearing finds that service rendered or to be rendered is inadequate and not likely to be made adequate; to provide that if two or more suppliers seek to serve a previously unserved customer which they are eligible to serve Commission shall determine after hearing which supplier may provide service; to authorize cooperatives to continue service in annexed areas notwithstanding that a public utility may then hold or later obtain a franchise to provide service in the municipality, but not to serve any new customers within the corporate limits if service is provided by a public utility or municipality; and to provide for limited Commerce Commission regulation of cooperatives (see "Commission Regulation, Failed", below).

Michigan - H.B. 104, died in House, would have prohibited cooperative, municipal and commercial electric utilities from constructing an electric line to serve a person or property located outside of municipal limits which is presently served by another utility, or a new line extension to serve unserved persons or premises unless its existing facilities are nearer the metering point of the new service except with written consent of the other utility, or upon finding by the Public Service Commission, after notice and hearing, that the service is inadequate and will not likely be made adequate; and given the Commission jurisdiction to resolve disputes.

Missouri - S.B. 45, as introduced, would have amended the powers section of the Rural Electric Cooperative Act by deleting provisions for the purchase of cooperative property in areas which lose their rural character by the municipal utility or franchise holder,

providing for continued cooperative service at existing service locations and extensions of 150 feet from existing lines, and prohibiting duplication of existing service in rural areas by any electric supplier with enforcement and relief to dissatisfied consumers assigned to the courts. As passed by the Senate, the bill was amended to limit the 150 foot extensions to lines in existence when the area loses its rural character and to service only when applied for, to restrict the court remedy of dissatisfied consumers to those served by cooperatives, and to recognize the right of municipalities to impose reasonable safety requirements and to impose taxes comparable with those collected from other electric suppliers. The House Judiciary Committee recommended further amendment of the bill to prohibit extension of lines in areas which lose their rural character, and to declare electric cooperatives to be electric utilities and subject to regulation as such. The bill died in the House.

North Carolina - S.B. 345, died in Senate, would have amended the Electric Membership Corporation Act, to prohibit cooperatives from initiating for the first time electric service in municipalities over 1500 population except with approval of municipality; permit continued service in municipalities regardless of population if, prior to increase in population so as to exceed 1500, the cooperative is furnishing service therein, and permit extensions to unserved premises therein; and permit continued cooperative service in annexed areas and extensions to unserved premises therein. The bill was tabled in the Senate after being amended to provide for sale of facilities in annexed areas either to a municipality operating its own utility system or to the public utility furnishing electricity in the town.

Oregon - S.B. 156, died in Senate, would have authorized voluntary contractual allocation of service areas between distributors of electric energy, the sale and exchange of facilities within allocated areas, subject to Public Utility Commissioner approval but with enforcement of the contracts entrusted to the courts. (See also S.B. 42, Failed, and S.B. 487, Enacted, below under "ELECTRIFICATION AND TELEPHONE - Commission Regulation".)

Pennsylvania - H.B. 1532, died in House, would have prohibited duplication by cooperative, commercial and municipal suppliers of existing electric service and extensions to unserved premises located within 300 feet of distribution line of another supplier, except with written consent of other supplier or upon Public Utility Commission order based on inadequacy of service; and provided for Commission enforcement.

South Dakota - S.B. 178, died in Senate, would have amended Electric Cooperative Law to redefine "rural area" to include areas which become or are annexed to cities having a population in excess of 1500.

- S.B. 179, died in Senate, would have amended the gross receipts tax law to reflect the revised definition of "rural area".

Texas - S.B. 7 and H.B. 2, would have further amended the Electric Cooperative Corporation Act, to remove some of the restrictions imposed by the 1957 amendments on electric service in cities and towns and areas annexed thereto. H.B. 2, as reported out by the House Committee on State Affairs, would have limited cooperative extension of service within such annexed areas to unserved structures located within 1500 feet of its distribution facilities existing at the time the areas became non-rural; and made cooperatives subject to the regulatory authority of the city or town within which it operates in the same manner as a public utility, and to payment of gross receipts tax in the same manner as other electric suppliers.

Utah - S.B. 147, died in Senate, would have prohibited duplication by any electric supplier of existing electric service and extensions to unserved premises within one airline mile of line of another supplier; authorized continued electric service in areas annexed to municipalities, subject to payment of franchise tax on sales within annexed areas and to the exercise of other municipal authority; and provided for court enforcement.

Pending:

Alaska - S.B. 107, (passed both Houses, in conference over to 1962 session) new Public Service Commission Law, includes an anti-duplication provision (see "ELECTRIFICATION AND TELEPHONE - Commission Regulation, Pending", below).

Commission Regulation.

Enacted:

Colorado - H.B. 245, approved and effective April 22, 1961, Chap. 198, subjects electric cooperatives to Public Utilities Commission jurisdiction, including certificates of convenience and necessity (see "Protection of Cooperative Territory, Enacted" above).

Nebraska - L.B. 469, approved June 22, 1961, ^{- Chap 461} and effective October 8, 1961, confers convenience and necessity jurisdiction over certain electric facilities upon the Director of the Department of Water Resources (see "Protection of Cooperative Territory, Enacted" above).

New Mexico - H.B. 256, approved March 22, 1961, Chap. 89, and effective July 1, 1961, brings electric cooperatives under Public Utility Act; subjects them to Public Service Commission jurisdiction except as to issuance of obligations to the United States and as to certain rates; requires Public Service Commission to grant certificates of convenience and necessity on present plant, lines and systems;

and authorizes dual, overlapping certificates. (See "Protection of Cooperative Territory, Enacted", above.)

Vermont - S. 87, approved August 1, 1961, subjects service and rates of electric cooperatives which are the subject of electric supply contracts between cooperatives and the Public Service Board, to Board regulation (see "Amendment of Cooperative Enabling Laws, Enacted" above).

Wisconsin - S. 655, approved September 15, 1961, Chap. 490, and effective September 23, 1961, subjects electric cooperatives to rate and service area jurisdiction of the Public Service Commission in annexed areas (see "Protection of Cooperative Territory, Enacted", above).

Wyoming - H.B. 26, approved February 16, 1961, Chap. 88, amends public utility law to provide that extra-territorial operations of municipal utilities be subject to jurisdiction of Public Service Commission.

Failed:

Arkansas - H.B. 503, withdrawn, would have required electric cooperatives holding Public Service Commission certificates to extend lines and furnish service in any area where 2 or more prospective members per mile desire to become members.

Illinois - H.B. 362, died in House, would have amended Public Utilities Act to except rural electric cooperatives from its operation.

- H.B. 1608, died in House, would have amended Public Utilities Act to provide that rural electric cooperatives shall not construct any new plant or facilities or transact any business without first obtaining a certificate of convenience and necessity from the Commerce Commission.

- H.B. 1675, died in House, would have amended Public Utilities Act to exempt rural electric cooperatives from its operation except for requirement that cooperatives not construct any new plant or facility or transact any business without first obtaining a certificate of convenience and necessity from the Commerce Commission; to add provisions prohibiting duplication of existing electric service and protecting service areas (see, "Protection of Cooperative Territory, Failed" above); and to give cooperatives holding certificates the right of eminent domain in order to carry out construction ordered or authorized by the Commission.

Kansas - H.B. 124, died in House, would have amended Public Utilities Act, to require municipal utilities to obtain certificate from Corporation Commission prior to extending lines and serving outside municipal limits.

- H.C. Res. 28, died in Senate, would have directed Legislative Council to study placing municipal utility facilities outside of corporate limits under jurisdiction of the State Corporation Commission.

Minnesota - S.F. 113, died in Senate, and H.F. 242, died in House, would have provided for the regulation of electric and other utilities by the Warehouse and Railroad Commission (no jurisdiction is presently exercised over electric utilities), and specifically exempted cooperatives furnishing electric service to members only.

Missouri - S.B. 45, died in House, was amended in House Judiciary Committee to declare electric cooperatives to be electric utilities and subject to regulation as such (see "Protection of Cooperative Territory, Failed", above).

Nebraska - L.B. 599, indefinitely postponed, would have limited customer's primary service connection lines over 700 volts to those entirely on customer's premises, except for highway crossing, and permitted line extensions without prior Railway Commission approval if owners of all other lines within $\frac{1}{4}$ mile consented and subject to filing of delayed application.

- L.B. 494, indefinitely postponed, would have created Department of Public Power and transferred to it functions of the State Railway Commission and Department of Water Resources.

New Mexico - H.B. 460 and H.B. 461, both died in Senate, would have subjected operations of municipal utilities outside of corporate limits to jurisdiction of Public Service Commission.

Pennsylvania - H.B. 1532, died in House, would have given Public Utility Commission jurisdiction to enforce anti-duplication provisions (see "Protection of Cooperative Territory, Failed", above).

Taxation.

Enacted:

Idaho - H.B. 168, approved March 14, 1961, Chap. 301, amends the 1959 law imposing $3\frac{1}{2}\%$ gross receipts tax on electric cooperatives in lieu of all other taxes on operating property so as to define specifically property which remains subject to tax, and provides formula for allocation of gross receipts tax payments among the counties.

New Mexico - Com. Sub. H.B. 52, approved March 31, 1961, Chap. 236, imposes 2% sales tax upon electric cooperatives.

- Com. Sub. H.B. 140, approved March 31, 1961, Chap. 189, subjects sales of electricity by municipal utilities to 2% gross privilege tax.

Vermont - H.B. 391, approved July 24, 1961, repeals electrical energy tax.

Failed:

Arizona - H.C. Res. 2, H.C. Res. 11, and S.C. Res. 9, removing tax exemption of power and electrical districts.

Idaho - H.B. 169, repealing 1959 law imposing 3 $\frac{1}{2}$ % gross receipts tax.

- H.B. 216, providing for assessment of electric transmission and generating facilities of all electric utilities, including electric cooperatives, by State Tax Commission.

Maine - H.B. 943 and H.B. 1035, exempting electricity from sales tax.

North Carolina - H.B. 370, making electric membership corporations and municipal corporations subject to franchise tax.

- H.B. 383, levying 3% tax upon sales of electric power, makes it applicable to electric membership corporations.

Oregon - S.B. 87, amending ORS 308.805, relating to taxation of electric cooperatives, to provide that the 2% gross earnings tax shall not be in lieu of ad valorem tax on dams, powerhouses, and generating equipment.

South Dakota - H.B. 922, increasing from 2 to 4% the gross receipts tax on rural electric cooperatives.

Texas - H.B. 936, levying an excise tax on intrastate sales of electricity, including sales by cooperatives.

Washington - H.B. 609, imposing a 3% consumer tax on electricity, gas, and fuel oil.

Electrical Licensing and/or Inspection.

Enacted:

Idaho - H.B. 34, approved March 13, 1961, Chap. 311, amends existing laws on subject and establishes State Electrical Board.

Minnesota - S.F. 1104 (H.F. 1410), approved April 20, 1961, Chap. 490, extends to 1963 the 1959 provisions for licensing temporary class C electricians.

Oregon - S.B. 546, approved May 31, 1961, Chap. 693, amends electrical safety law including provisions relating to issuance of electricians licenses.

Failed:

Colorado - H.B. 199, amending the 1959 electrical licensing law, establishing new categories of limited master electricians and journeyman electrician, prescribing representation of electric utilities, and municipal and cooperative utilities on State Electrical Board, and providing for electrical inspection.

Illinois - S.B. 621, ^{and H.B. 1688} providing for the licensing and regulation of electrical contractors.

Iowa - S.F. 396 and H.F. 578, authorizing County Board of Supervisors to adopt electrical codes and regulate and inspect electrical installations.

Maine - H.B. 525, creating Board of Electrical Safety Rules and Regulations.

- H.B. 821, clarifying the electrical licensing law.

Michigan - H.B. 96, expanding the Electrical Administrative Board to include representative of distributors of electrical apparatus and supplies.

Nebraska - L.B. 483, requiring regulation of electrical contractors and limiting electrical installations to registered contractors; and providing exceptions for homeowners and others.

New Hampshire - S.B. 63 and H.B. 386, providing for registration and regulation of electricians and electrical installations.

New York - A.B. 4791, authorizing county supervision and regulation of electrical installations, and licensing of electricians.

North Dakota - H.B. 725, increasing from 3 to 4 years the experience requirement for journeyman electricians license.

Ohio - S.B. 318, providing for licensing of inspectors of electrical installations.

Oklahoma - H.B. 1044, replacing 1955 law providing for joint city-county electrical examining and appeal board for licensing and inspection of electrical installations.

Oregon - S.B. 392, amending electrical safety law.

- S.B. 398, amending standards for issuing general and limited journeyman electrician's licenses. (Substituted by S.B. 546, see "Enacted", above.)

South Dakota - H.B. 707, establishing State Electrical Board, regulating electrical installations, and providing for their inspection; also providing for licensing of electrical contractors and electricians.

- H.B. 708, repealing existing law relating to electrical standards and financial responsibility of contractors.

Vermont - H. 270, providing for rules and regulations in the installation of electrical wiring, fixtures and apparatus and the licensing of electricians.

Washington - S.B. 101, providing that state electrical code shall not apply in county which has adopted ordinance regulating electrical installations.

- S.B. 139, repealing laws relating to electrical construction rules and regulations.

- S.B. 477, transferring regulation to Insurance Commissioner and amending laws dealing with regulation of electricians and electrical installations.

Wyoming - H.B. 42, establishing a State Electrical Board, regulating electrical installations, and providing for licensing of electricians.

Power Supply and Electric Lines.

Enacted:

Alaska - H.J. Res. 6, adopted March 30, 1961, urges Congress to appropriate funds for Bradley Lake Hydroelectric project.

- H.J. Res. 9, adopted February 28, 1961, urges Congress to enact legislation authorizing construction of the Crater-Long Lake division of the Snettisham hydroelectric power project.

Arizona - S.B. 189, approved March 17, 1961, Chap. 39, makes appropriations for further investigation of Central Arizona Project

- S.B. 199, approved March 16, 1961, Chap. 35, authorizes Arizona Power Authority to engage counsel to represent it before the Federal Power Commission in connection with the Bridge Canyon and Marble Canyon projects.

Colorado - H.J. Mem. 2, urges Congress to approve the Fryingpan-Arkansas project and to appropriate construction funds.

Delaware - H.B. 205, approved May 26, 1961, ratifies the Delaware River Basin Compact. (See also New Jersey, New York, and Pennsylvania, below.)

Idaho - S.B. 105, approved March 6, 1961, Chap. 91, ratifies Columbia River Interstate Compact relating to the division, apportionment and use of waters in Columbia River System. (See also Montana, Nevada, Utah, and Wyoming, below.)

- S.J. Mem. 14, adopted February 16, 1961, memorializes Congress to expedite legislation authorizing construction of Bruces Eddy dam project, Clearwater River.

Maryland - H.J. Res. 3, approved February 27, 1961, Joint Res. 6, urges Congress to appropriate funds for completion of Potomac River Survey by Corps of Engineers.

- H. Res. 3, adopted January 18, 1961, urges reservation for future development in any Presidential proclamation establishing the C. & O. Canal as a national monument.

Montana - S.B. 83, approved February 28, 1961, Chap. 85, ratifies Columbia River Interstate Compact.

- S.J. Mem. 1 (H.J. Mem. 7), approved March 3, 1961, urges Congress to give immediate approval to construction of Libby Dam.

- H.J. Mem. 12, approved March 15, 1961, requests Federal Power Commission to approve construction of Buffalo Rapids project by taxpaying enterprise.

Nevada - A.B. 370, approved March 24, 1961, Chap. 161, ratifies Columbia River Interstate Compact.

New Jersey - S.B. 115 (A.B. 372), approved May 1, 1961, Chap. 13, ratifies Delaware River Basin Compact.

New York - S.B. 2144, approved March 17, 1961, Chap. 148, ratifies Delaware River Basin Compact.

Oregon - H.J. Mem. 14, adopted March 31, 1961, urges ratification of treaty with Canada for development of Upper Columbia River Basin.

Pennsylvania - H.B. 388, approved April 28, 1961, amends act creating Interstate Commission on Potomac River Basin.

- S.B. 350 (H.B. 1044), approved July 7, 1961, Act 268, ratifies Delaware River Basin Compact.

Utah - S.B. 90, approved March 10, 1961, Chap. 171, ratifies Columbia River Interstate Compact.

West Virginia - S.B. 146, approved March 11, 1961, Chap. 136, amends act creating Interstate Commission on Potomac River Basin.

Wyoming - S.B. 134, approved February 24, 1961, Chap. 188, ratifies Columbia River Interstate Compact.

Failed:

California - S.J. Res. 11, memorializing Congress to exempt power deliveries from Bonneville Project outside present marketing area from statutory public power preference requirements.

Montana - S. Mem. 2, urging Congress to provide funds for Bonneville-Reclamation intertie.

- H.J. Mem. 10, urging development of Yellowtail power by taxpaying enterprise.

Oregon - H.B. 1495, ratifying the Columbia River Interstate Compact.

Utah - H.J. Res. 16, urging Congress to expedite construction of power transmission facilities on Colorado River projects.

Vermont - S.B. 68, approving Northeastern Water and Related Land Resources Compact.

Washington - S.B. 180 (H.B. 209), ratifying Columbia River Interstate Compact.

Pending:

Alaska - S.B. 43, to establish Alaska Power Authority.

Atomic Energy - Radiation Regulation.

Bills for the regulation and control of radiation were disposed of as follows:

Enacted:

California - A.B. 1975, approved July 14, 1961, Chap. 1711, and A.B. 2315, approved July 5, 1961, Chap. 1065.

Florida - H.B. 2367, approved June 16, 1961, Chap. 61-262.

Idaho - S.B. 64, approved March 11, 1961, Chap. 243.

Indiana - S.B. 192, approved March 4, 1961, Chap. 116.

New Hampshire - H.B. 4, approved April 10, 1961, Chap. 60.

New York - S.B. 1207, approved February 28, 1961, Chap. 62.

Oregon - H.B. 1490, approved May 31, 1961, Chap. 664.

Tennessee - H.B. 24, approved January 30, 1961, Chap. 9.

Texas - S.B. 68, approved April 17, 1961, Chap. 72.

Wisconsin - S.B. 623, approved July 28, 1961, Chap. 334.

Failed:

Alabama - S.B. 86 and H.B. 351. Missouri - S.B. 61 and H.B. 183.

Arizona - S.B. 51 and H.B. 91. Nebraska - L.B. 478.

Illinois - S.B. 634 and S.B. 635. Utah - H.B. 196.

Iowa - H.F. 637.

Pending:

New Jersey - A.B. 511.

Broader bills regulating and coordinating activities relative to the peaceful use of atomic energy were disposed of as follows:

Enacted:

Alabama - H.B. 122X, approved September 15, 1961

Missouri - H.B. 184, approved July 19, 1961.

Tennessee - H.B. 28, approved January 30, 1961, Chap. 10.

Washington - S.B. 427, approved March 20, 1961, Chap. 207.

Failed:

Minnesota - S.F. 34 and H.F. 450. Pennsylvania - S.B. 686.

Nevada - A.B. 317. Utah - H.B. 185.

Pending:

Wisconsin - A.B. 600.

Bills to enact the Southern Interstate Nuclear Compact were disposed of as follows:

Enacted:

Alabama - H.B. 127, approved September 15, 1961, Act 52, First Special Session.

Arkansas - H.B. 461, approved March 15, 1961, Act 429.

Florida - H.B. 1636, approved June 9, 1961, Chap. 61-227.

South Carolina - S.B. 329, approved May 23, 1961, Act 339.

Tennessee - H.B. 299, approved February 20, 1961, Chap. 104.

Texas - S.B. 189, approved March 30, 1961, Chap. 54.

Failed:

North Carolina - H.B. 1031.

Miscellaneous.

Enacted:

Nevada - S.B. 53, approved February 17, 1961, Chap. 12, authorizes Mineral County power system to negotiate loan contracts with REA for the purpose of financing construction of electrical transmission and generation facilities.

- S.B. 221, approved March 27, 1961, Chap. 169, authorizes Mineral County to issue power revenue bonds.

Ohio - H.B. 108, approved May 17, 1961, conveys property in Carrollton to Carroll Electric Cooperative.

South Dakota - H.B. 735, approved March 9, 1961, Chap. 254, permits municipal corporations to join with other municipals for operation of electric distribution or generation facilities.

Failed:

Montana - H.B. 395, limiting transfer of electrical facilities to companies subject to Montana Public Service Commission jurisdiction, under penalty of escheat.

Tennessee - S.J. Res. 20, declaring collective bargaining agreements between cooperatives and municipally owned utilities and their employees not against public policy.

Texas - H.B. 636, requiring governing body of city, town or village to give preference to applicant for electrical franchise who pays the gross receipts tax where there is more than one applicant (electric cooperatives are exempt from this tax).

Washington - S.B. 142 and H.B. 179, authorizing public utility districts and cities to jointly acquire and operate utility property.

- H.B. 197, requiring submission of Public Utility Districts proposal to condemn public utility property to a vote of the people.

ELECTRIFICATION AND TELEPHONE

Cooperative Enabling Legislation.

Failed:

Iowa - H.F. 137 (S.F. 133), enacting new cooperative association law.

Utah - S.B. 166, enacting new nonprofit corporation law.

Amendment of Cooperative Enabling Laws.

Enacted:

Iowa - H.F. 54, approved May 2, 1961, Chap. 250, amends Cooperative Associations Act, by authorizing payment at the discretion of directors of patronage dividend to deceased members or members who become ineligible without reference to the order of priority prescribed.

Minnesota - H.F. 566 (S.F. 449), approved April 14, 1961, Chap. 389, amends the Cooperative Associations Act, repealing restriction on diminution of capital and relating to dissolution proceedings.

Montana - H.B. 394, approved March 2, 1961, Chap. 117, amends Electric and Telephone Cooperative Act to increase fees payable to the Secretary of State.

Wyoming - H.B. 2, approved February 16, 1961, Chap. 87, and H.B. 6, approved February 16, 1961, Chap. 110, amend nonprofit corporation law relating to incorporation procedures, amendment of articles of incorporation, admission or domestication of foreign nonprofit corporations, maintenance of a registered agent and resident office in the state, and prescribing filing fees to be paid Secretary of State.

Failed:

Colorado - S.B. 153, amending nonprofit corporation law with respect to vote required for amendment of certificate of incorporation.

Iowa - H.F. 58 and S.F. 55, permitting cooperative membership to be held by public and private corporations as well as by individuals.

Minnesota - H.F. 683 (S.F. 1633), and H.F. 1666 (S.F. 1632), amending Cooperative Associations Act relative to payment of equity credits and election of directors.

Montana - H.B. 368, amending Rural Electric and Telephone Cooperative Act to require electric and telephone cooperatives to file rates with Public Service Commission (see "Commission Regulation - Failed", below).

North Dakota - H.B. 684 (vetoed by Governor), amending general cooperative law relating to use of cooperative funds for scholarship purposes.

- H.B. 689, amending general cooperative law so as to specify purposes for which cooperative may be organized, including telephone and electric transmission and distribution specifically.

- H.B. 731, amending general cooperative law to require distribution and payment of the net proceeds in cash or tangible personal property and redemption of certificates of interest (capital credits) in cash or personal property on demand of holders.

- H.B. 781, amending general cooperative law relative to apportionment and distribution of net proceeds of cooperatives to require payment in cash, tangible personal property or interest bearing stock or certificates of indebtedness.

Commission Regulation.

Enacted:

Montana - S. Res. 17, adopted February 28, 1961, requests rural electric and telephone cooperatives to file their rate schedules with the Public Service Commission. (See H.B. 368, Failed, below.)

New Mexico - S.J. Res. 7, adopted March 11, 1961, Const. Amdt. No. 7, constitutional amendment, creating State Corporation Commission; providing for appointment of five member commission, and giving legislature authority to enact laws regulating public utilities. (To be submitted to electorate.)

Oregon - S.B. 487, approved May 31, 1961, Chap. 691, authorizes agreements between suppliers of electric and telephone service for allocation of territory and transfer of facilities within allocated territories subject to approval of the Public Utility Commissioner after hearing; also authorizes voluntary proceedings for allocation of territory where there is no duplication; provides for court enforcement; recognizes municipality's power to issue franchises and condemn utility facilities; confirms exemption of cooperative and municipalities from commissioner's regulatory authority over rates, service or financing; requires electric utilities (including cooperatives and municipals) proposing to construct transmission lines necessitating condemnation of land to file for certificate of convenience and necessity from the Commissioner.

Vermont - S. 99, approved June 21, 1961, expands Public Service Board authority to require use of transmission or distribution facilities for carriage of power, to regulate sales of energy transmitted from outside the state, and to compel interconnection of electric and telephone facilities.

Failed:

Iowa - S.F. 275, enlarging jurisdiction of State Commerce Commission to include regulation of rates and services of public utilities furnishing gas, electricity or communications service to the public for compensation; exempting from rate regulation municipal utilities, co-operative corporations or associations, and mutual telephone companies in which 50% of the users are owners.

Montana - H.B. 368, amending Rural Electric and Telephone Cooperative Act to require electric and telephone cooperatives to file rates with Public Service Commission (see "Amendment of Cooperative Enabling Laws, Failed", above).

New Mexico - S.B. 32 (Sub. H.B. 206), replacing Public Service Commission with State Corporation Commission, extending jurisdiction of State Corporation Commission over all utilities, and exempting electric and telephone cooperatives. (See S.J. Res. 7, Enacted, above.)

- H.B. 81, extending jurisdiction of State Corporation Commission over all public utilities but specifically exempting electric cooperatives.

- S.B. 80, defining duties of State Corporation Commission over public utilities.

- S.J. Res. 12, constitutional amendment providing for creation of a three member elected State Corporation Commission.

- H.J. Res. 2, constitutional amendment giving State Corporation Commission jurisdiction over public utilities.

Oregon - S.B. 42, requiring application for, and issuance by the Public Utility Commissioner, of certificates of convenience and necessity defining utility service areas of all utilities including electric and telephone but excluding toll lines and "farmer lines"; prohibiting utilities from extending service outside of their areas without a certificate; authorizing sales or exchange of utility property where duplication of service exists, with the approval of the Commissioner; and prohibiting duplication of facilities and services with enforcement entrusted to the Commissioner.

South Dakota - S.B. 281, extending Public Utility Commission jurisdiction to include electric as well as telephone utilities, and specifically includes cooperatives for rate regulation.

Washington - H.B. 642, subjecting utilities formed under the Non-Profit Corporation Act to Public Service Commission regulation.

Pending:

Alaska - S.B. 107 (passed both Houses, in conference, over to 1962 session), creates a Public Service Commission with jurisdiction over commercial, cooperative, and municipal utilities, including electric and telephone; prohibits operation after October 1, 1961, except with certificate of convenience and necessity which must be granted to utilities operating on October 15, 1960, in good faith in requested areas; authorizes dual certificates only when existing utility does not provide service satisfactory to the commission; prohibits duplication of service to premises served or located within 1500 feet of existing line; provides for regulation of rates, accounting, service, and municipal and public utility district bonding arrangements; and repeals 1959 public service commission law.

Utility Relocation Reimbursement.

Enacted:

Alabama - H.B. 202 (S.B. 64) approved August 8, 1961, Act 474, provides for reimbursement of utilities for cost of relocating facilities necessitated by Federal-aid highway projects to the extent that the state receives reimbursement from the Federal Government for such expenditures.

Alaska - H.B. 172, approved April 8, 1961, requires highway commissioner to pay the costs of utility relocation incident to construction of Federal-aid primary or secondary highways or the Interstate System, except where the utility construction was pursuant to a right-of-way agreement entered into after January 1, 1961, which requires the utility to relocate at its own expense.

California - A.B. 485, approved May 4, 1961, Chap. 276, and A.B. 486, approved May 3, 1961, Chap. 270, includes in highway "incidental expenses" the cost of relocating or altering any public utility facilities required by the highway improvement.

Idaho - S.B. 116, approved March 13, 1961, Chap. 264, deletes statutory provisions, which have been held unconstitutional by Idaho Supreme Court, permitting Highway Board to reimburse utilities for relocation in connection with Federal-aid highways.

Indiana - H.B. 261, approved March 4, 1961, Chap. 112, provides for reimbursement of utility by state for costs of relocating facilities occasioned by Federal-aid highway construction.

Maine - S.B. 291, approved May 11, 1961, Chap. 295, amends law relating to acquisition and condemnation of land for highway purposes and provides for compensation of a public utility for the taking of its facilities located outside of an established highway right-of-way.

Tennessee - S.B. 866, approved March 17, 1961, Chap. 317, provides for reimbursement for relocation of utility facilities when necessitated by Federal-aid Interstate highway construction and when the state or a subdivision thereof is legally responsible for such relocation costs.

Failed:

Minnesota - H.F. 1689 (S.F. 1680), amending laws relative to reimbursement of utilities for relocation of facilities on interstate highway system.

Montana - S.B. 199, reducing from 75% to 50% the share of utility relocation costs payable by state.

- H.B. 409, limiting state payments for utility relocation to cases where utility has clear title to its right-of-way.

New York - S.B. 3255 (A.B. 4576), providing for reimbursement for relocation of utility lines in connection with highway construction.

Ohio - H.B. 87, requiring utilities to remove or relocate facilities obstructing use or construction of highways within 90 days.

Oklahoma - S.B. 208 and S.B. 410, prescribing policies and conditions for reimbursing utilities for relocation costs occasioned by highway construction.

Oregon - S.B. 516, authorizing State Highway Commission to reimburse utilities for cost of relocation occasioned by Federal-aid highway construction where the state receives not less than 90% in Federal funds therefor.

Pennsylvania - H.B. 149, authorizing reimbursement of publicly-owned utilities for cost of relocation occasioned by Federal-aid highway construction.

Pending (over to 1962 session):

Georgia - H.B. 110, authorizes State Highway Department to relocate publicly-owned utility facilities affected by limited-access highway construction.

Unclaimed Property Act.

Bills providing for the enactment of the uniform disposition of unclaimed property act disposed of as follows:

Enacted:

Florida - S.B. 2, approved May 11, 1961, Chap. 61-10.

Idaho - H.B. 16, approved March 11, 1961, Chap. 162.

Illinois - H.B. 774, approved August 17, 1961.

Failed:

Colorado - H.B. 103.

Oklahoma - S.B. 79.

Iowa - S.F. 272 and H.F. 401.

South Dakota - H.B. 872, vetoed by Governor.

Missouri - H.B. 42.

Texas - H.B. 182.

Nebraska - L.B. 160.

West Virginia - H.B. 187.

Bills adopting a general escheat law were enacted in Texas - H.B. 5, approved August 12, 1961, Chap. 21, First Special Session, and failed in North Dakota - H.B. 857.

Uniform Commercial Code.

Bills providing for the adoption of the Uniform Commercial Code were disposed of as follows:

Enacted:

Arkansas - S.B. 123, approved March 7, 1961, Act 185.

Illinois - S.B. 198, approved July ¹³31, 1961, *effective July 1, 1962*

New Mexico - H.B. 50, approved March 23, 1961, Chap. 96.

Ohio - S.B. 5, approved May 18, 1961.

Oklahoma - S.B. 36, approved July 21, 1961. *effective Dec. 31, 1962*

Oregon - H.B. 1020, approved June 2, 1961, Chap. 726.

Wyoming - H.B. 12, approved February 28, 1961, Chap. 219.

Failed:

California - S.B. 1093.

Montana - H.B. 210.

Maine - S.B. 456.

North Dakota - H.B. 747.

Missouri - S.B. 1.

Washington - S.B. 72.

Pending:

Alaska - H.B. 120, over to 1962 session.

New Jersey - A.B. 666. *enacted - Chap. 120, Laws 1961*

Bills to establish committees to study and consider adoption of the code were disposed of as follows:

Enacted:

Georgia - H. Res. 210, approved March 28, 1961, Res. 40.

Maryland - S.J. Res. 18, approved May 3, 1961, J. Res. 19.

Vermont - H.B. 428, approved August 1, 1961.

Failed:

Minnesota - S.F. 342 and H.F. 637.

Tennessee - S.J. Res. 57.

North Carolina - S.B. 239.

Pending:

South Carolina - H.B. 1119, over to 1962 session.

Taxation.

Enacted:

Arkansas - H.B. 221, approved February 22, 1961, Act 140, expands the exemption from use tax to include electric and communication companies among others.

Failed:

Indiana - H.B. 517, authorizing cities and towns to impose tax up to 10% on utility bills.

Kansas - S.C. Res. 1 and H.C. Res. 19, proposing amendment to constitution to provide for uniform classification of utility property for purposes of assessment and taxation.

North Dakota - S.B. 120, imposing additional 3% tax on income, including electric and telephone cooperatives, and providing certain credits.

- S.B. 217, imposing additional $1\frac{1}{2}\%$ tax on income, with certain credits for electric and telephone cooperatives.

Texas - H.B. 386, H.B. 918, and H.B. 1011, imposing excise tax of 2% or 3% on sales of electricity and telephone service, including sales by cooperatives.

Miscellaneous.

Failed:

New Mexico - H.B. 13, requiring utilities furnishing service in New Mexico to maintain at least one billing office within the state.

TELEPHONE

Amendment of Cooperative Enabling Legislation.

Enacted:

Oklahoma - S.B. 139, approved April 24, 1961, amends Rural Telephone Cooperative Act, to provide for three instead of two classes of directors in fixing terms of office.

South Dakota - S.B. 25, approved February 17, 1961, Chap. 26, amends Cooperative Associations Act (§ 11.1102, S.D. Code), relating to the notice to stockholders required for amendment of articles of incorporation for the purpose of increasing capital stock.

Tennessee - H.B. 654 (S.B. 527), approved March 14, 1961, Chap. 245, amends General Welfare and Not for Profit Corporations Act (§ 48-1101 et. seq. Tenn. Code Ann.) relative to dissolution and distribution of assets.

- H.B. 957, approved March 17, 1961, Chap. 330, enacts Telephone Cooperative Law to provide for formation of cooperative nonprofit membership corporations to furnish telephone service in rural areas to the widest practical number of users of such service; prohibiting duplication where reasonably adequate telephone service is available; and making corporations organized under the act subject to Public Service Commission jurisdiction for establishment of service boundaries, settlement of territorial disputes, sale and purchase of property, and assessment of property for tax purposes.

Washington - H.B. 156, approved February 21, 1961, Chap. 34, amends Cooperative Association Act, to provide for perpetual duration (in place of 50 years).

Failed:

South Dakota - H.B. 887, amending Sec. 11.1101 S.D. Code, relating to the scope of cooperative activities.

Commission Regulation.

Enacted:

Idaho - H.B. 185, approved March 11, 1961, Chap. 130, amends § 61-901, Idaho Code, to subject telephone security issues to Public Utility Commission jurisdiction, but exempts telephone corporations deriving three-fourths or more of their total gross revenues from sources outside of Idaho.

Minnesota - H.F. 1279 (S.F. 944), approved April 20, 1961, Chap. 637, amends § 237.16, Minn. Stats. to authorize the Railroad and Warehouse Commission to issue certificates of territorial authority to telephone companies to continue service in areas presently served, and provide for determination by Commission of territorial conflicts and the revocation of certificates for failure to furnish reasonably adequate service.

Nebraska - L.B. 310, approved May 9, 1961, ^{- chap. 460} amends § 86-213, Rev. Stats. Nebr., to provide an additional alternative standard for granting certificate of convenience and necessity, viz, that no duplication of facilities will result.

- L.B. 507, approved May 23, 1961, ^{- chap. 459} amends § 86-206, Rev. Stats. Nebr., to give Railway Commission jurisdiction over intra-state rates; prescribes basis for determining such rates and for division of revenues.

Failed:

Arkansas - H.B. 277, directing Public Service Commission to prohibit telephone companies from having more than six on party line or from refusing to serve anyone within 2 miles of existing lines.

- H.B. 513, authorizing Public Service Commission to prescribe reasonable rules for extensions of facilities to new subscribers, and to limit number of subscribers on party lines.

Indiana - H.B. 195, providing that in proceedings relating to granting certificates of territorial authority hearings shall be held to determine interest of persons to be served and providing that after approval by Public Service Commission a resident in certificated area of one telephone company may be served by company in an adjoining territory upon his payment of costs of construction of necessary lines.

- S.B. 454, adding a new section to the Public Service Commission Law, prescribing procedures whereby inadequate existing telephone service may be remedied by providing for service from another company or the merger of the companies involved.

Iowa - H.F. 570, establishing 10 miles as minimum distance for long distance calls, and prohibiting extra charges for calls of lesser distances.

Minnesota - S.F. 1563 and S.F. 1564, creating and establishing procedure before Public Service Commission.

Missouri - H.B. 273, requiring telephone companies to render services by constructing new lines in areas adjacent to places being served under rate schedules on file with Public Service Commission; and providing for revocation, suspension, or alteration of certificates.

Nebraska - L.B. 545, amending § 86-213, Nebr. Stats., permitting a person residing near dividing line between two companies to elect which company will serve him without Railway Commission approval.

Ohio - S.B. 175 (H.B. 253), permitting Public Utilities Commission to change telephone company boundaries when in public interest.

Oklahoma - H.B. 620, deleting requirement that Corporation Commission before ordering telephone company to extend service in rural area find that it is earning a fair return.

- H.B. 1101, strengthening Corporation Commission's authority relative to ordering service to residents in open territory from adjacent telephone exchange.

Texas - H.B. 50, providing for regulation of intrastate operations of telephone utilities by Railroad Commission.

Taxation.

Enacted:

Idaho - H.B. 120, approved March 11, 1961, Chap. 172, amends § 63-105, Idaho Code to limit exemption of cooperative telephone companies from ad valorem taxation to companies having 25 or less subscribers.

Tennessee - S.B. 136, approved February 18, 1961, Chap. 61, amends § 67-1402, Tenn. Code Ann. to exempt nonprofit telephone cooperatives from payment of privilege tax.

Failed:

California - S.C.A. 26, proposal to amend constitution by adding provisions for an annual 1% tax on telephone company local and toll service revenues, in lieu of all other state and local taxes on service facilities, revenues and receipts and on rights-of-way.

North Dakota - S.B. 103, amending provision relating to taxation of mutual or telephone cooperatives by increasing rate of tax on each instrument from 50¢ to \$1.00 and providing that tax exemption not apply to company building, real estate and property not normally considered part of telephone plant.

- H.B. 586, repealing provisions relating to taxation of mutual or cooperative telephone companies.

- H.B. 889, enacting provisions relating to taxation of telephone companies and repealed existing law regarding taxation of mutual or cooperative telephone companies.

Party Line Telephones.

Bills providing penalties for failure to relinquish party line telephone in cases of emergencies were disposed of as follows:

Enacted:

Alabama - S.B. 244, approved September 15, 1961

Colorado - S.B. 38, approved April 17, 1961, Chap. 105.

Maine - H.B. 700, approved March 22, 1961, Chap. 125.

Montana - S.B. 17, approved March 17, 1961, Chap. 206.

Nebraska - L.B. 121, approved March 13, 1961, Chap. 129

Texas - S.B. 366, approved May 29, 1961, Chap. 272.

Failed:

~~Alabama - S.B. 75 and H.B. 273.~~

Florida - H.B. 1411

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State legislation affecting the
REA program.

AUTHOR

1961

TITLE

